

ACTS

PASSED AT THE ANNUAL SESSION OF THE

GENERAL ASSEMBLY,

OF THE

STATE OF ALABAMA;

BEGUN AND HELD IN THE CITY OF TUSCALOOSA, ON THE FIRST
MONDAY IN NOVEMBER, 1841.

BEN FITZPATRICK, GOVERNOR.

NATHANIEL TERRY, PRESIDENT OF THE SENATE.

DAVID MOORE, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TUSCALOOSA:

HALE & PHELAN, PRINTERS.

1841.

LAWS OF ALABAMA.

[No. 1.]

AN ACT

1841.

To repeal the General Ticket Law.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled an act to establish the General Ticket system in elections for Representatives to Congress from the State of Alabama, approved, January 1st, 1841, be and the same is hereby repealed. Repeal

Sec. 2. *And be it further enacted,* That if by death, resignation or otherwise, a vacancy in the present representation to Congress from this State shall happen, the said vacancy shall be filled as is now provided by law, to wit: by the General Ticket System. Vacancies]

Approved, December 17, 1841.

[No. 2.]

AN ACT

For the better securing Mechanics in the City and County of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, every mechanic, workman, or other person, doing or performing any work towards the erection, construction, or furnishing of any building in the city or county of Mobile, or may have furnished materials of any description, for said building, erected under a contract in writing or otherwise, between the owner and builder, whether such work shall be performed as journeyman, labourer, cartman, subcontractor or otherwise, and whose demand for work and labour done and performed, or materials furnished towards the erection of such building, has not been paid and satisfied, may deliver to the owner of such building, Mechanics

an attested account of the amount and value of the work and labor thus performed, or materials furnished, the amount unpaid thereupon, such owner shall retain out of his subsequent payments to the contractor, the amount of such work and labor or materials, for the benefit of the person so performing the same.

Contract

Arbitration

Sec. 2. *And be it further enacted*, That whenever any account of labor performed on a building erected, or material furnished under a contract in writing or otherwise as aforesaid, shall be placed in the hands of the owner of such building, or his or her authorized agent, it shall be the duty of such owner or agent, to furnish his or her contractor with a copy of such paper, in order that, if there shall be any disagreement between such contractor and his creditor, they may by amicable adjustment between themselves, or by arbitration, ascertain the true sum due; and if the contractor shall not within ten days after the receipt of such papers, give the owner written notice, that he intends to dispute the claim, or if in ten days after giving such notice, he shall refuse or neglect to have the matter adjusted as aforesaid, he shall be considered as assenting to the demand, and the owner shall pay the same when due.

Arbitrators
how chosen

Sec. 3. *And be it further enacted*, That if any such contractor shall dispute the claim of his journeyman, or other person, for work and labor performed, or materials furnished, as aforesaid, and if the matter cannot be adjusted amicably between themselves, it shall be submitted on the agreement of the parties to the arbitrament of three disinterested persons, one to be chosen by each of the parties, and one by the two thus chosen; and the decision in writing of such three persons, or any two of them, shall be final and conclusive in the case submitted.

Payment

Sec. 4. *And be it further enacted*, That whenever the amount due shall be adjusted and ascertained as above provided, and if the contractor shall not within ten days after it is so adjusted and ascertained, pay the sum due to the creditor, with the costs incurred, the owner shall pay the same out of the fund above provided; and which amount due, may be recovered from the said owner, by the creditor of the said contractor, in an action for money had and received to the use of said creditor, and to the extent in value of any balance due by the owner to his contractor, under the contract with him at the time of the first notice given as aforesaid, or subsequently accruing to such contractor under the same

Sec. 5. *And be it further enacted*, That if by collusion or otherwise, the owner of any building erected as aforesaid, shall pay to his contractor, any money in advance of the sum due on said contract; and if the amount still due the contractor, after such payment has been made, shall be insufficient to

satisfy the demand, made in conformity with the provisions of this act, for work and labor done, or materials furnished, the owner shall be liable to the amount that would have been due at the time of his receiving the account of such work, in the same manner, as if no such payment had been made: *Provided however*, that no lien shall attach to any building for work done for any tenant occupying said building, unless said work shall be done by consent, in writing of the owner of said building, or his authorized agent.

Liability

Proviso

Approved, December 9, 1841.

[No. 3.]

AN ACT

To be entitled an act to amend an act passed the 7th day of January, 1841, entitled an act, for the promotion of the health and convenience of the city of Mobile, by the introduction into said city, of a supply of wholesome water, to be used for domestic purposes, and for the extinguishment of fires.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be lawful for Albert Stein, his executors, administrators, and assigns, as often as it may be necessary, during the continuance of the privileges granted in the act, to which this act is amendatory, to apply at any time to the Judge of the County Court of Mobile county, or in his absence, to the clerk thereof, for a writ of *ad quod damnum*, which it shall be the duty of the said Judge or clerk to issue immediately on such application, directed to the sheriff of Mobile county, commanding him to summon the proprietors of land, at any point on the Bayou Chataugue or three mile Creek, at which the said Albert Stein, his executors, administrators or assigns, shall conclude to fix his, or their aqueduct, dams, or reservoir, and also the proprietors of lands above and below the said points on the said Bayou and Creek, who may claim compensation for damages, in consequence of the said works; and also to summon a jury of seven discreet freeholders of the said county to view the said premises, at a time not exceeding ten days from the issuing of the writ aforesaid; and the said jury shall examine the banks of the stream above and below the said points, and shall ascertain what amount of damage the said proprietors may sustain by the withdrawal of water or otherwise in consequence of the erection of the said works. And if the said Albert Stein, his executors, administrators, and assigns shall require any land for the use of his canal or ditches, or through which to pass his pipes, or for any of the purposes authorized by the act, to which this is amendatory, then the said jury shall ascertain the damage that the owner of the said land may sustain in consequence thereof; and it shall be the duty of the sheriff to return the verdict or verdicts of the said jury, to the Clerk of the County Court, as

Duty of judge or clerk

Jury

Damages

soon as the same shall have been agreed upon by the said jury, or a majority of the same.

Decree

Proviso

Sec. 2. *And be it further enacted*, That any of the parties interested, may within ten days after the return of the said inquisition as aforesaid, except to the award of the said jury; and if within that time, no exceptions to the said award, shall be filed with the Clerk of the said County Court, then the Judge of the said Court shall forthwith make an order or decree, which shall vest absolute rights and ownership in the said Albert Stein, his executors, administrators, and assigns, in and to the land, water, privilege, or right, that shall have been condemned by the said jury, and in the said proprietors to the money that shall have been assessed: *Provided*, that if the said Albert Stein shall not fulfil the decree within thirty days from the entry of the same, he shall take no benefit therefrom.

Witnesses

Sec. 3. *And be it further enacted*, That if exceptions to the said award be filed as aforesaid, the same shall be heard and decided on by the said Judge, at the next session of the Court for testamentary or Orphans business—or on some day appointed by the said Judge, of which all parties interested, shall have due notice. And the parties excepting, may at the hearing, propound his interest, and exhibit and prove the damage he may sustain; and the said Judge may examine and decide upon all matters put in issue, and may upon the application of either party, cause a jury to be empaneled, to determine any issue of fact in the cause, and either party may subpoena witnesses, the cost of whose attendance, as well as the costs of the appeal, shall be borne by the party against whom the Judge may decide.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Sheriff to administer an oath to the said jurors, as in other cases of the execution of the said writ.

Arbitrators

Duty

Sec. 5. *And be it further enacted*, That it shall always be lawful for the said Albert Stein, his executors, administrators, and assigns, instead of the writ of "*ad quod damnum*" allowed by the first section of this act, to agree with the said proprietors or any of them, upon the appointment of three arbitrators, and to apply to the said Judge, or the Clerk of the said Court in his absence, by petition, stating the land, water, privileges or rights to be condemned, and the willingness of the parties to refer the matter to the said arbitrators, and thereupon the said Judge or Clerk shall forthwith issue an order to the said arbitrators, stating the matter to them referred, and commanding them to view the premises, and ascertain the damages which may be sustained within ten days from the issuance of the said order, and to return their award to the said Clerk. And it shall be the duty of the said arbitrators to ascertain the damage in the same manner, as the jury are directed to do in the first section of this act; and the said arbitra-

tors, or a majority of them, shall make their award and return the same to the said Clerk within five days after viewing the premises; and the same proceedings shall be had upon the return of the said award, as are directed to be had upon the return of the inquisition in the second and third sections of this act.

Sec. 6. *And be it further enacted*, That the said arbitrators, before entering upon the investigation of the matters referred to them, shall take an oath or affirmation impartially, to Oath determine the matter to them submitted, according to the equity of the case to the best of their judgment, without favor or affection, which oath shall be administered by the said Clerk or any justice of the peace.

Approved, December 25, 1841.

[No. 4.]

AN ACT

To amend the law in relation to witnesses in State cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter any person who shall be summoned as a witness on a criminal prosecution, in any of the Courts, shall appear accordingly, and continue to attend from term to term, until discharged by the Court, the Attorney for the State, or the party, at whose instance he shall be summoned; and in default of his attendance, shall be subject to the same penalty as is now prescribed by law, in like cases of default. Witnesses

Sec. 2. *And be it further enacted*, That the Clerk shall not issue subpoenas for the same witnesses from term to term, during the proceedings of such cases.

Approved, January 1, 1842.

[No. 5.]

AN ACT

To repeal in part and amend an act entitled "an act to wind up the Land Office at Courtland." Approved, January 9th, 1841.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the above recited act as requires a sale of lands to take place at Tuscaloosa, be, and the same is hereby repealed. Repeal

Sec. 2. *And be it further enacted*, That it shall be the duty of the Secretary of State, to cause the said sale to be conducted at Courtland, and to offer all the refuse donation lands at the minimum price of one cent per acre; the proceeds of said Donation Lands sale, after paying the necessary expenses, shall be paid into the the branch of the bank of the State of Alabama at Decatur.

Approved, December 4, 1841.

[No. 6.]

AN ACT.

To prevent the sacrifice of real estate

Recovery of
interest in re-
al estate

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall and may be lawful, for any debtor whose interest in any real estate may hereafter be sold under execution, at any time within two years after such sale on payment or tender thereof to the purchaser or purchasers, or on payment or tender thereof to any one claiming under such purchaser, the principal money, bid at such sale, with ten per cent. interest per annum thereon, together with all such other lawful charges, if any there be, to redeem the interest that may have been sold, and upon the payment or tender thereof, as aforesaid, it shall be the duty of the then claimant, to recover said interest to said debtor, but at the cost and charge of said debtor.

Within two
years

Sec. 2. *And be it further enacted,* That whenever it shall hereafter happen, that any interest in lands shall be sold, at any execution sale, and the individual whose interest is so sold, shall have other *bona fide* creditors may, at any time within two years after such sale, redeem such interest as may have been sold, from the purchaser thereof, or from any one claiming under such purchasers, and on payment or tender of so much money, as was bid for said land at said execution sale, and such further sum as shall be equal to ten per cent. per annum on the purchase money, and shall further offer and agree to credit the person whose estate was sold, with the further sum of ten per cent., or more on the amount bid at execution sale, it shall be the duty of such purchaser or person claiming under such purchase, to convey said interest so purchased, to such *bona fide* creditors, at the proper cost and charges of such creditors, unless such purchaser or those claiming under him shall pay or secure to be paid, within six months thereafter, to such *bona fide* creditor, the sum proposed to be advanced by him on the bid at sheriff's or execution sale.

Conveyance
to creditorsPurchaser
may keep or
convey the
property

Sec. 3. *And be it further enacted,* That if such purchaser at execution sale, or the person or persons claiming under him, shall also be a *bona fide* creditor, to the amount proposed to be advanced on the bid at execution sale, at the time that any *bona fide* creditor, may propose to make the advance, it may be at the option of such purchaser, or those claiming under him, to credit the debtor with the sum proposed to be advanced on the bid, and keep the property, or surrender the same in manner aforesaid, to such person offering to make the advance.

Sec. 4. *And be it further enacted,* That it shall and may be lawful, for any other *bona fide* creditor of him, whose estate has been sold at execution sale, to redeem from any *bona fide* creditor, who may have previously redeemed from the

purchaser at execution sale, upon the same terms and under the same rules and regulations, that are herein provided, for *bona fide* creditors to redeem from the purchaser, and so on of other creditors *ad infinitum*. ●

Sec. 5. *And be it further enacted*, That all lands sold under mortgage, deeds of trust, or decrees in chancery, shall be subject to redemption in the same way as is provided for in this act, for lands sold under execution: *Provided*, That the defendant in execution, if in possession at the time of sale, ^{Proviso} shall deliver possession to the purchaser without suit: *Provided, further*, That the plaintiff in execution, whose debt shall be unsatisfied by the sale of said land, shall be entitled to redeem said land, as other creditors are, by this act, allowed ^{Redemption of land sold} to redeem: *And provided, further*, That any person proposing to redeem under the provisions of this act, shall in addition, ^{Proviso} in each instance pay the person in possession, the intrinsic worth of any valuable and needful improvements made on such land or premises; and if, in any case the parties cannot agree at once, as to the value of such improvements they or either of them, may present or suggest the question to the next Circuit Court of the proper County, and said Court shall, as early as practicable, cause an issue to be made up, and tried by the jury, in such manner as may be just and fair; and the verdict of the jury for a certain amount, or if for no amount, shall be conclusive and final; and each party in all such cases, shall pay one half the costs, and the said jury may, also estimate the value of the rents and profits, by way of offset to the improvements made, and the parties at their option may arbitrate the matter, in difference, under the law now regulating arbitration: *Provided*, That this act shall not take effect before ^{Proviso} the first day of July next.

Approved, January 1, 1842.

[No. 7.]

AN ACT

To provide for the digesting the laws of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor shall, as early as may be, appoint a suitable person, whose duty it shall be to compile ^{Appointment} under appropriate heads, all the statute laws of a public and general nature, now in force in the State of Alabama, and shall provide a proper index, with marginal notes to such Digest.

Sec. 2. *And be it further enacted*, That it shall be the duty of said digester, to lay before three persons, to be appointed by joint vote of both Houses of the General Assembly, one month before the next session thereof, a manuscript of the Di-

To be exam-
ined
Compensation
gest of the laws, made as aforesaid, who shall have power to decide on the correctness with which he has performed his duty; and if it appear that he has faithfully performed his duty, he shall receive such compensation as the Legislature may allow, not less than two thousand dollars.

Report
Sec. 3. *And be it further enacted*, That the persons so appointed to examine said Digest, shall make their report, to the next General Assembly, within the first week thereof, of the manner in which the same has been done.

Compensation
Sec. 4. *And be it further enacted*, That said Commissioners shall receive each the sum of five dollars per day, for every day they may be engaged in examining the said Digest, and reporting thereon.

Approved, December 28, 1841.

[No. 8.]

AN ACT

Making appropriations for the year one thousand eight hundred and forty-two.

Section 1. *And be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums of money be, and the same are hereby appropriated out of any money in the Treasury, not otherwise appropriated, to be paid to the following persons, in payment of their salaries, for the year one thousand eight hundred and forty two, to wit: to the Governor of the State the sum of three thousand five hundred dollars, the Secretary of State, Comptroller of Public Accounts, and the State Treasurer, each, the sum of twelve hundred dollars; the three Chancellors, each, the sum of two thousand dollars; to the Judges of the Supreme Court, each, the sum of twenty-six hundred dollars; to the Judges of the Circuit Court, each, the sum of two thousand dollars; to the Attorney General, the sum of four hundred and twenty five dollars; to the Solicitors of the several Circuits, each, the sum of two hundred and fifty dollars, except the Solicitor of the first Circuit, and to him the sum of three hundred and fifty dollars; to the Quarter Master General, the sum of two hundred dollars; to the Adjutant and Inspector General, the sum of four dollars for each day he may be in actual service by order of the Governor; to the private Secretary of the Governor the sum of three hundred and fifty dollars; for the pay of the Secretary of the Senate, and clerk of the House of Representatives, the sum of seven dollars per day, each, during the present session; to the assistant secretary to the Senate, and the assistant and engrossing clerks of the House of Representatives, each, the sum of five dollars per day, during the session, or their time of service; to the doorkeepers of the Senate and House of Representatives and messenger of the House of Representatives, each, the sum of

Governor
Secretary of
State
Comptroller
Treasurer
Chancellors
Judges Su-
preme Court
Judges Cir-
cuit Courts
Attorney Ge-
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Quarter Mas-
ter General
Adjutant Ge-
neral

five dollars per day, for each day of their services, during the present session; to the Secretary of State for indexing the laws, copying the journals of both Houses of the present session of the General Assembly, preparing the whole for the press, and superintending the printing thereof, the sum of three hundred dollars; to the Secretary of the Senate and clerk of the House of Representatives, each, the sum of one hundred and fifty dollars, for bringing up and completing the journals of their respective Houses, and filing away and properly arranging the papers of the present session, after the adjournment.

Extra appropriations

Sec. 2. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby appropriated to defray the contingent expenses of the State Government, payable out of any moneys in the Treasury not otherwise appropriated.

Contingent

Sec. 3. *And be it further enacted*, That the sum of ten thousand dollars, be and the same is hereby set apart and required to be deposited in the Branch Bank at Montgomery, to the credit of the warden of the Penitentiary, out of the profits of the State Bank and Branches in proportion to their capital stock, and the President and Directors of the State Bank, and the President and Directors of the several Branch Banks are hereby authorized and required to have the said sum of ten thousand dollars, deposited in the said Branch Bank at Montgomery on the first day of March next; to White & Snow three hundred and fifty-one dollars and ninety-nine cents, for books and other stationery furnished the General Assembly, Secretary of State and clerk of the Supreme Court, and to J. Lacy & Co. twenty-nine dollars and fifty cents, for stationery furnished the General Assembly.

Warden of Penitentiary

White & Snow

J. Lacy & Co.

Approved, December 31, 1841.

[No. 9.]

AN ACT

To amend an act, entitled an act, the more effectually to prohibit free negroes and persons of color, from entering into and remaining in this State, approved, 2d February, 1839.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, it shall be the duty of the master of any and every vessel arriving from any foreign port, or place, or otherwise, to repair forthwith, after first having made his report and entry at the custom house, in the city of Mobile, to the Mayor's office, and deliver on oath, a complete and correct list of every person who arrived with him in said vessel, distinctly stating, first the names of his officers and crew, then the names of each passenger, the color and sex of each person, and whether they be free or otherwise.

Duty of master

Sec 2. *And be it further enacted*, That it shall be the duty of the Mayor or other officer, authorized to administer oaths, to demand and receive from said Master, twenty-five cents, and no more.

Duty of Clerk
Sec. 3. *And be it further enacted*, That it shall be the duty of the clerk of the city of Mobile, to file carefully among the archives of said city, all such crew and passenger lists, and they shall be kept in said office, for the inspection of any citizen of the United States, who may have reason for examining the same, and for each and every such examination, the clerk shall be entitled to a fee of twelve and a half cents, and no more.

Duty of may-
or
Sec. 4. *And be it further enacted*, That whenever any free negro or person of color, shall have arrived in any vessel within the district or port of Mobile, as designated by the acts of Congress, it shall be the duty of the mayor of Mobile, forthwith to issue his warrant to the sheriff of the county of Mobile, or marshall of the city, as he may deem most convenient, directing said officer to proceed immediately on board such vessel, and arrest such free negro or negroes, or person or persons of color, and forthwith to commit the same to the common jail of said county, to be dealt with according to the provisions of the act, to which this is supplemental.

Fees
Sec. 5. *And be it further enacted*, That for every such arrest, the sheriff, mayor, city marshall or harbour master, shall be entitled to such fees, as are provided in the fourth section of the act to which this is supplemental, for the services rendered by either of them, as the case may be.

Sec. 6. *And be it further enacted*, That the jurisdiction of the sheriff and city marshall, under the warrant of the mayor, shall extend in all cases, for the apprehension of free negroes and persons of color, to any vessel within the Bay of Mobile.

Liability
Sec. 7. *And be it further enacted*, That the fees allowed to the harbour master in the fourth section of the act to which this is supplemental, be given to any individual who may lodge information of the arrival, either by sea or land, of any free negro or person of color, into the city of Mobile; and any white person who may have brought such free negro or person of color with them by land, shall be liable to the penalties imposed on the masters of vessels, by the act to which this is supplemental.

Approved, December 4, 1841.

[No. 10.]

AN ACT

Further to provide for defraying the expenses of the Chancery Courts of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter the tax of two dollars, now required by law to be taxed in the bill of costs, on all suits in Chancery,

and to be assessed and collected at the same time, and in the same manner as other costs of suits, shall be paid over to the respective registers of the chancery courts, in which such suits may be instituted, instead of into the county treasury, as now required by law.

Sec. 2. *Be it further enacted*, That of the money thus collected, there shall be paid to the sheriffs of the several counties in which Chancery courts may be holden, one dollar in each case, as his compensation for attending on said courts whilst in session, and the balance of said costs shall be applied, under the direction of the Chancellors holding such courts, to the procurement of such books and stationery, as may be needed by the registers thereof. To what ap- propriated

Sec. 3. *Be it further enacted*, That the Comptroller of Public Accounts, be authorized to issue his warrant on the State Treasurer, in favor of any sheriff, or his legal Representative, who has not heretofore received compensation for such services, for the sum of two dollurs, for each and every day he may have attended upon any Chancery court: *Provided*, that he, or his legal representative, shall produce to the Comptroller, a certificate from the register of said court, of the number of days that he shall have so served. Comptroller issue warant
Proviso

Approved, December 31, 1841.

[No. 11.]

AN ACT

To regulate the proceedings of the several Circuit Courts of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter the several clerks of the circuit courts of this State, shall make and keep a separate docket of all cases, civil or criminal, in which witnesses may be summoned, and set the same, as nearly as practicable, for trial, on particular days of the term, commencing on the second day thereof; and it shall be the duty of said clerks to notify each witness, in the writ of subpœna, of the day on which the cause is set for trial, and no witness shall be entitled to compensation for attendance, previous to the time appointed for trial, nor shall it be lawful to try any cause thus set, previous to the day of such appointment: *Provided*, this section shall not apply, where the term of any court is limited to one week. Duty of clerks
Witnesses
Proviso

Sec. 2. *And be it further enacted*, That the fall or November term of the circuit court of Montgomery county, shall be continued and held for the term of three weeks, and no longer: *Provided*, that nothing herein contained shall prevent said court from the transaction of any business, or hearing of causes or motions, which shall not require the intervention of witnesses and jurors, after the term of three weeks shall have expired. Montgomery

Approved, December 14, 1841.

[No. 12.]

AN ACT

To better regulate the elections of President and Directors of the State Bank and its several Branches.

Election of
Bank officers
Membe nomi.
natiag

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That after the passage of this act, that in all elections hereafter to take place for President or Directors of the State Bank, or any of its Branches, it shall be the duty of any member or members nominating said candidate or candidates, to state in writing, and to be read at the clerk's table, the indebtedness or liabilities of every description, of said candidates, to the Bank of the State of Alabama, or any of its Branches; and furthermore, whether the same be under protest or not, and also to state whether said candidate or candidates are solvent, and competent for the discharge of the duties of President or Directors, as the case may be, and said statement, and by whom made, shall be placed upon the Journals of both Houses of the General Assembly.

Approved, December 27, 1841.

(No. 13.)

AN ACT

To secure unknown, bad, and doubtful debts, owing to the Bank of the State of Alabama and Branches.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Presidents and Directors of the Bank of the State of Alabama, and of each of its Branches respectively, be, and are hereby authorized and empowered, to settle and adjust, from time to time, the unknown, bad, and doubtful debts owing to said Banks, as to them shall seem best, having in view the best interest of said Banks, the time of the maturity of their respective liabilities, and the ability of the debtors to pay said Banks.

Approved, December 31, 1841.

(No. 14.)

AN ACT

Supplementary to any act, to divide the State of Alabama, into three Chancery Divisions, and for other purposes, approved, December 30th, 1841.

Changed

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Chancery court for the fifteenth district, in the middle Chancery Division of said State, shall be held on the second Monday in May, instead of the second Monday in March as now provided by law, and may continue in session one week.

Approved, December 31, 1841.

[No. 15.]

AN ACT

To secure more speedily the collection of debts against Incorporations.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That when any judgment shall have been rendered against any incorporated company, or body corporate, of whatsoever nature or character in this State, the plaintiff or plaintiffs in such judgment shall be entitled to the rights and benefits of all the laws now in force, regulating the issuance of writs of garnishments, as well as to such as may be hereafter enacted; and execution has been issued and returned "no property," or when it shall appear by the affidavit of the plaintiff, his attorney, or agent, that such company or body corporate, has not, within the knowledge of said affiant, sufficient personal property to satisfy such judgment, the clerk of the court in which such judgment may have been rendered, shall upon affidavit of the plaintiff, his attorney, or agent, that he believes certain persons (naming them) are indebted to such company as stockholders, or otherwise, issue summons of garnishments against such person or persons, returnable to the next Court, requiring such garnishee to answer what he is indebted as stockholder or otherwise, as now provided by law; and stating, that upon his failure to do so, judgment "*ni si*" will be rendered against him for plaintiffs demand. Garnishment
against corpo-
rations

Sec. 2. *And be it further enacted,* That the stockholders of any incorporated company, or body corporate in this State, shall be liable respectively to the creditors of such company, for the amount of stock subscribed by them, and unpaid, in character of debtors to such corporation, and such liability may be enforced by garnishment, as above provided for in this bill. Liability of
stockholders

Sec. 3. *And be it further enacted,* That the stockholders of any company, compelled to pay the whole or any part of the debts of the company of which he is a member, shall have the right of, and be deemed an assignee of the judgment, or so much thereof as shall have been paid by him, and shall be entitled to the remedy provided by law, for co-securities, to compel contribution from the other stockholders or any of them: *Provided,* Rights of
stockholders Proviso that the provisions of this act shall not be applied to the bank of the State of Alabama and its several branches, nor to the debtors thereof.

Approved, December, 31, 1841.

[No. 16.]

AN ACT

To alter and amend the laws of this State, relative to the collections of claims against Steamboat and other water crafts, navigating the waters of Alabama.

WHEREAS, doubts exist in the minds of the Judges of the Superior Courts of this State, as to the applicability of the act of Preamble

1836, on the subject of libel, as found in the second edition of Aikins Digest, page 604, to writs of justices of the peace: Therefore

Powers justices of peace

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said act is hereby declared to be applicable to the Court of justices of the peace, to all intents and purposes, and that justices of the peace in this State be, and they are hereby clothed with jurisdiction in cases of libel, to the amount of fifty dollars, under the usages and customs regulating proceedings, by libel in the Courts of admiralty.

Courts to be held

Sec. 2. *And be it further enacted,* That from and after the passage of this act, the Judges of the County Courts in this State, may hold their Courts, and the Judge of the County Court of Mobile shall hold his Court on the first and third Mondays in each month, for the settlement of all cases of libels, in sums over fifty dollars, sued out against Steamboats and all other water crafts navigating the waters of Alabama; and when a judgment is obtained against any steamboat or other water craft, before either the County Court or justices of the peace, execution may forthwith issue, and the sheriff or constable receiving such executions shall give ten days notice, setting forth the name of such steamboat or other water craft, and sell the same to the highest bidder.

Duty of sheriff or constable

Sec. 3. *And be it further enacted,* That the sheriff or constable, as the case may be, shall be, and he is hereby required to pay over the proceeds of such sale, within three days thereafter; a failure to do so, shall authorize the party suing out such libel to proceed against said officer as is now provided by law, in cases of failure to pay over moneys when collected: *Provided however,* that the party suing out a libel, shall be required, before commencement of such suit, to make a demand for the amount due him or her: *And provided further,* that the owner or owners of any steamboat or other water craft, shall have the privilege of replevying such property, by paying the sum claimed, or by giving security for the delivery of said property within the time prescribed by this act.

Fees

Sec. 4. *And be it further enacted,* That justices of the peace shall be entitled to the same fees under this act, which are now allowed for like services in cases of attachment.

Approved, December 14, 1841.

[No. 17.]

AN ACT

To repeal in part an act entitled an act regulating punishments under the Penitentiary system, approved, January 9th, 1841.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the above recited act in chapter

tenth, as requires the drawing of twenty-four persons to serve as grand jurors, and thirty-six persons to serve as petit jurors to the Circuit Court, and twenty-four jurors for the County Court, be, and the same is hereby repealed, as to the counties of De Kalb, Jefferson, Marshall, Washington, Cherokee, Baldwin, Fayette, Marion, St. Clair, Morgan, Bibb, Henry, Pike, Blount, Jackson, Randolph, Lauderdale, Clarke, Covington, Autauga, Limestone, Shelby, Barbour, Dale, Russell, Benton, Talladega, Coosa, Butler and Tallapoosa. Repeal

Sec. 2. *And be it further enacted*, That in lieu of the jurors required to be drawn by the said act hereby repealed, there shall be drawn for the said counties in the first section of this act mentioned, in the manner and at the times prescribed by said act, the names of fifteen persons to serve as grand jurors, and at the same time there shall be likewise drawn, the names of twenty-four other persons to serve as petit jurors, at the Circuit Court of said counties; and there shall also in this manner, and at the times aforesaid, be drawn twelve jurors for the County Courts of said counties. Jurors to be drawn

Approved, December 21, 1841.

(No. 18.)

AN ACT

To authorize the sale of property at the town of Fairfield, in Pickens county, and also at Greensboro, in the county of Greene.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the sheriff and constables in Pickens county, to sell as is now provided for by law, all the real estate and negroes, that they may respectively levy upon in the discharge of the duties of their office, on the west side of Tombeckbee river, in said county, at Fairfield, on the second Monday in each and every month, unless in the opinion of the officer so levying, he shall deem it necessary and proper, when he may levy upon negroes, to put them into the county jail for safe-keeping. Sheriff and constable

Sec. 2. *And be it further enacted*, That in every case where the sheriff may sell property at Fairfield, as provided for in the first section of this act, resides on the east side of Tombeckbee river, he shall be authorized to charge five per cent on the cost now allowed by law. Compensation

Sec. 3. *And be it further enacted*, That it shall be the duty of the sheriff and constables in the county of Greene, to sell, as now provided for by law, all the real estate and negroes, and as to the sheriff, all personal property, that they may respectively levy upon in the discharge of the duties of their office, on the

Proviso

east side of the Warrior river, in said county, at Greensborough, on the third Monday in each and every month, any law now to the contrary notwithstanding: *Provided*, that the laws now in force, remain unaltered, as to the west side of said river.

Approved, December 31, 1841.

[No. 19.]

AN ACT

For the better regulation of the management of Steamboats.

Engineers

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there shall be and there is hereby established in the city of Mobile a board of engineers, for the purpose of examining such persons as are now or shall hereafter be engaged as engineers, employed on any steamboat engaged in navigating the waters of this State emptying into the Mobile bay.

Body corporate

Sec. 2. *And be it further enacted*, That said board shall consist of a president and ten directors, who are hereby declared to be a body corporate by the name and style of "The President and Directors of the Board of Steamboat Engineers of Mobile," any two of whom, with the president, or in the necessary absence of the president, any three of whom shall constitute a board to do business. Said board shall at their first meeting, or as soon thereafter as may be practicable, elect a secretary, who shall attend their meetings, and do and perform all the duties of secretary as prescribed in this act, or any by-law or ordinance of said board. And said corporation shall have full power and be able and capable in law to purchase, have, and hold, possess and enjoy, any real or personal estate, not to exceed in value the sum of twenty thousand dollars, as they may think proper; and by its name above specified, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all manner of actions, suits, matters and things depending in any Court of law and equity in this State; and to make such rules and by-laws for their government, not repugnant to the constitution of the United States and this State, as they may deem expedient.

Election and duties of Secretary

Competency of engineer

Sec. 3. *And be it further enacted*, That after the passage of this act, no engineer shall be employed by any captain or owner of any Steamboat navigating the said waters of this State, who shall not first have undergone an examination before said board, and obtain a certificate (signed by the president and secretary of said board) of his competency and skill in the capacity of engineer. And if any person shall violate the provisions of this section of this act, he shall forfeit and pay the sum of fifty dollars, for the use of said corporation, for each and every voyage performed, without said certificate first being obtained, to be sued for and recovered in the name of said corporation, before any

Fine

Court of competent jurisdiction, which fine shall be applied to the purposes hereinafter specified.

Sec. 4. *And be it further enacted*, That any engineer who shall engage in navigating any steamboat running on said waters as engineer, without first having obtained the said certificate, signed as aforesaid from said board, shall forfeit and pay a fine of twenty-five dollars for each and every voyage so performed, to be sued for and recovered in the manner specified in the third section of this act. Fine

Sec. 5. *And be it further enacted*, That if any captain or owner of any steamboat employed as aforesaid, shall employ any engineer, without first having obtained said certificate; and the life of any citizen shall be destroyed by explosion, or the mismanagement of said engineer, then and in that event, the said captain, owner or engineer may be indicted for manslaughter in any Court, having proper jurisdiction of the offence—and in case of the loss of property, goods, wares, and merchandize, in consequence of the employment, or mismanagement of said engineer, the owner or captain so employing said engineer, may be jointly or severally sued for, and recovery had against them, in any Court of competent jurisdiction, of the full value of the said property, goods, wares or merchandize so lost as aforesaid; and the want of said certificate shall be taken as *prima facie* evidence of mismanagement and neglect. Liability of captain

Sec. 6. *And be it further enacted*, That when said board shall upon examination, find any applicant unqualified to perform the duties of first engineer and competent for second engineer, they shall so state it in their certificate, and he may be lawfully employed as such.

Sec. 7. *And be it further enacted*, That if any engineer after obtaining his certificate, shall grossly mismanage as an engineer by intoxication, sleeping on his watch, or any other gross violation of his duties, he shall upon complaint, and upon full and sufficient proof thereof, before said board, be dismissed, and his certificate recalled, and publication of such dismissal and recall, shall be made in some newspaper in the city of Mobile, at least three several times, and such engineer shall not again be employed on any steamboat, navigating said waters. And if any engineer shall thereafter be so employed, and loss of life on any such steamboat, should ensue from his mismanagement or neglect, such engineer shall be liable to be indicted for murder in any Court of competent jurisdiction: *Provided however*, that no engineer, who shall have obtained his certificate as aforesaid, shall be removed, or have his certificate withdrawn, except by the vote of at least two thirds of the whole number of the members of said board. Dismissal of engineer

Sec. 8. *And be it further enacted*, That it shall be the duty of the president, or any one or more of the members of said board, as often as may be necessary to enter upon and board of any steamboat entering the port of Mobile, and which is, or shall be Duty of President

engaged in navigating the waters aforesaid, and ascertain whether all engineers, who may be engaged in navigating said steamboats have the requisite legal certificate; and in case they shall not have complied with the provisions of this act in that respect, it shall be the duty of said president or other member of this board to give information to the board, who shall proceed forthwith against said engineer, captain, or owner, to recover the penalty therefor, as specified and authorized in this act.

Fines

Sec. 9. *And be it further enacted*, That all fines recovered and collected under this act, shall be and the same are hereby appropriated, together with any other moneys that said corporation may hereafter possess; first to pay off and defray the necessary expenses of said board and the salaries of its officers, and then any balance thereafter to constitute a fund in the hands of the board, for the relief of disabled and superannuated engineers, subject to the control of the board.

Compensation

Sec. 10. *And be it further enacted*, That the president of said board shall be entitled to receive for his services such sum not exceeding dollars per annum, as may be fixed and agreed upon by said board; and the secretary of said company shall receive such salary not exceeding dollars per annum, as may be fixed and agreed upon by said board to be paid out of any money belonging to said corporation as the board may direct.

Fees

Sec. 11. *And be it further enacted*, That each applicant who shall receive a certificate as first engineer, shall pay therefor the sum of twenty dollars, and for second engineer the sum of ten dollars for the use and benefit of said board, to be applied as above specified, and shall pay the sum of one dollar each, as fee to said Secretary for making out said certificate.

Reformation

Sec. 12. *And be it further enacted*, If any engineer shall be removed and his certificate withdrawn under the provisions of the 7th section of this act, such engineer may, on making full proof of reformation satisfactory to said board, be restored by the consent and vote of two thirds of the members of said board, and shall be entitled to a new certificate on payment of the sum and fees specified in section eleven of this act.

Oaths

Sec. 13. *And be it further enacted*, That the president or any member of said board may administer all oaths necessary to be administered in the performance of his duties as a member of said board—the party swearing falsely shall be subject to the pains and penalties of perjury.

Board

Election

Sec. 14. *And be it further enacted*, That for the first year, which shall terminate on the first Monday in November, 1842, the following persons shall compose said board, to-wit: James Curry, Malcolm Kees, Levi Cambron, William Campbell, John Culverion, Matthew McCartney, James Hamilton, Gage Hook, Hamilton Binningham, John Richardson and David McCan, who at their first meeting may elect a president from their own number, and may appoint such secretary as they think proper. And annually thereafter on the first Monday of November, the

members of said board shall be elected by the vote of the engineers who shall have obtained certificates—which said board may elect a president and secretary as above specified. And in case of any vacancy in the said board by death, resignation or otherwise, the board shall fill such vacancy. The members of said board shall continue in office until their successors are elected and qualified. Vacancy

Approved, December, 31, 1841.

[No. 20.]

AN ACT

To change the time of appointing Tobacco Inspectors for the county of Lauderdale.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County Court and the Commissioners of roads and revenue in the county of Lauderdale, be, and they are hereby authorized and required to appoint at any time hereafter, who they may deem it necessary and proper, tobacco inspectors according to the provisions of the act of 1828, thereunto appertaining, all laws to the contrary notwithstanding.

Approved, December 23, 1841.

[No. 21.]

AN ACT

To distribute the sixth census of the United States throughout this State.

WHEREAS, by an act of Congress passed at the last session, there is allowed to the State of Alabama two hundred and forty copies of the sixth census of the United States taken in the year 1840: Therefore Preamble

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Secretary of State is hereby instructed to distribute to each member of the general assembly a copy of the aforesaid census, and those counties that have but one representative, shall be entitled to two copies to; each of the County Court clerks of this State one copy, to be left in the office of said clerk and his successors in office; to each of the literary institutions in this State two copies, viz: University two copies, Lagrange two copies, Madison college two copies, the college in Mobile two copies, and one copy to the Centenary Institute in the county of Dallas, and one copy to the Jefferson Institute, in the county of Montgomery, and the balance to be left in the hands of the Secretary of State for the benefit of the officers of the State. Distribution

Sec. 2. *And be it further enacted,* That the Secretary of State be instructed to make the distribution as contemplated in

the first section of this act, as soon as the above mentioned copies shall come into his hands.

Digest of Pa
tents

Sec. 3. *And be it further enacted*, That the Secretary of State shall cause to be placed in the office of the clerk of the County Court of each county, where the Chancery Court of this State is held, one copy of the digest of patents, issued by the United States, from 1790 to 1st January, 1839, published by act of Congress.

Approved, December 30, 1841.

[No. 22.]

AN ACT

Making appropriations for the payment of Members of the General Assembly and the officers of the two Houses.

Appropriated

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of forty-five thousand dollars, be, and the same is hereby appropriated for the payment of the members of the present general assembly, and the officers of the two houses, out of any money in the treasury not otherwise appropriated.

Approved, December 31, 1841.

[No. 23.]

AN ACT

To extend the jurisdiction of Justices of the Peace in certain cases.

Jurisdiction

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That any one justice of the peace, shall have jurisdiction in all cases of damages, whether the same arose from matter of contract, or any kind of tort or wrong done whatever, (except actions of slander,) where the damages claimed by the plaintiff do not exceed twenty dollars: *Provided*, that either party shall have the right to an appeal from the judgment of the justice to the next Superior Court of the county.

Approved, December 31, 1841.

[No. 24.]

AN ACT

To alter the manner of compensating Executors and Administrators in certain cases.

Wills

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, when by the direction of any will made or to be made, requiring that the estate devised, shall not be sold, but kept together for distribution at a future day; the judge of the County Court of the pro-

per county, shall have full power to allow, in lieu of the commissions now allowed, such annual compensation to the executor or administrator, with the will annexed, for his attention and services as shall be reasonable, having regard to the amount of labor performed, the responsibility involved, and the value of the estate; and the decision of the Judge of the County Court, either in allowing or disallowing the said account, may be removed for supervision to the Chancery Court exercising jurisdiction over the said county, by petition of the aggrieved party, which petition shall be directed to, and the order of removal awarded by the Register of the said Chancery Court: *Provided*, that such petition, for supervision of the order, or decree of the County Court on the subject of said allowance, shall be filed within one year after it shall have been made: *And further*, that any minor heir, devisee, or legatee of said estate, may file such petition by his or her next friend.

Power Judge
county court

Petitions

Proviso

Approved, December 9, 1841.

[No. 25.]

AN ACT,

Requiring the Branch Bank at Huntsville and Decatur to deposit their proportion of thirty-six thousand dollars in the State Bank.

WHEREAS, doubts exist on the part of the cashier of the branch bank at Huntsville and Decatur, as to the third section of an act making appropriations for the year 1841, which requires that the sum of thirty-six thousand dollars to be deposited in the State Bank to the credit of the Treasurer of the State for the purpose of completing the Penitentiary, for remedy whereof:

Preamble

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the President of the branch bank at Huntsville, be required to cause to be deposited in the State Bank, the sum of five thousand four hundred and seventy-eight dollars and forty-four cents, being the proportion due from that institution by the third section of the above recited act, and that the president of the branch bank at Decatur cause to be deposited in the said State Bank, the sum of seven thousand and sixty-five dollars and eight cents, the proportion due from said branch bank, by the said third section.

Presicents of
branch banks
to bay over
monies

Approved, December 9, 1841.

[No. 26.]

AN ACT

Regulating the Practice of Dental Surgery, and for other purposes:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the first Monday in December next, it shall be the duty of each of the Medical Boards of this State, to examine and license applicants to practice Dental Sur-

License

gery, under the same rules and regulations, and subject to the same restrictions as those who apply for license to practice Medicine; and in order more fully to carry this act into effect, it shall be the duty of each of the Medical Boards, where the same is practicable, to add to their body, by election, a professional Dentist, having the requisite qualifications, which Dentist so added shall constitute a part of the Board.

Penalty

Sec. 2. *And be it further enacted*, That if any person, styling himself as Dentist, or other person, shall engage in the practice of Dental Surgery as a professional business, after the aforesaid first Monday in December next, without having been regularly licensed so to do by one of the Medical Boards of this State, as hereinbefore provided for, for every such offence shall forfeit and pay a sum not exceeding fifty dollars, recoverable before any court having jurisdiction of the same; one half to the informer, the other half to the county where suit is brought.

Proviso

Sec. 3. *And be it further enacted*, That all bonds, notes or promissory obligations, or assumpsits, made to any person or persons not authorized as provided for in this act, the consideration of which shall be for services rendered as a professional Dentist, or in the line of professional dentistry, shall be utterly void and of no effect: *Provided*, the provisions of this act shall not be so construed as to prevent persons from practising Dental Surgery, who have a license to practice Surgery and Medicine, from either of the Medical Boards of this State, or a diploma from any regularly constituted Medical Institution in the United States.

Record

Sec. 4. *And be it further enacted*, That hereafter it shall be the duty of all practising physicians, surgeons and dentists, to have their licenses recorded in the office of the clerk of the county court in which they may reside, and the certificate of the clerk shall be considered as good evidence in any court of the right of any individual, having a diploma or license to practice his profession, and recover his debts for the same.

Sec. 5. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be and the same are hereby repealed.

Approved, December 31, 1841.

[No. 27.]

AN ACT

Providing for holding Extra terms of the Chancery Court, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Chancellor of the Southern Division, or any other Chancellor in this State, be and he is hereby authorized to hold Extra terms of the Chancery Court, at Clayton in Barbour county, and at Montgomery in Montgomery county, at such time as he may appoint: and he shall cause thirty days previous

Extra term

notice thereof to be given by advertisement in some paper published in Irwinton or in the town of Montgomery: and subpoena Notice to answer or other chancery process, may be returnable to such extra terms, under the same rules and regulations, and with the Process same jurisdiction in the court, as though it were a regular term.

Sec. 2. *And be it further enacted*, That hereafter whenever it happens that a regular term of any chancery court, for any chancery district in this State, is not holden, or all the business of Officer may any such regular term is not disposed of, an extra term may be hold extra holden by such officer and on such notice as in first section; and term like process may be returnable to such extra term, with like jurisdiction in the court as in section first is provided for the extra Proviso terms in said first section specified: *Provided*, that notice may be published in the nearest newspaper.

Approved, December 31, 1841.

[No. 28.]

AN ACT

To Abolish Brigade Encampment Drills in the 13th Brigade and 5th Division.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act that so much of a law as required brigade encampment drills, be and the same Repeal is hereby repealed, so far as relates to the 13th Brigade, 5th Division, of Alabama Militia.

Sec. 2. *And be it further enacted*, That it shall be the duty of the officer within the above brigade, having the custody of the tents, camp equipage, and other articles purchased by the State for said brigade encampment drills in this State, to deliver the same over, on demand, to the Quarter Master General of this State, or his order, to be disposed of as the law now directs in similar cases. Tents &c

Approved, December 31, 1841.

[No. 29.]

AN ACT

To alter the First and Tenth Judicial Circuits, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the county of Conecuh be and the same is hereby attached to and made a part of the First Judicial Circuit.

Sec. 2. *And be it further enacted*, That the terms of the several circuit courts of the first judicial circuit, shall be holden hereafter as follows, to-wit: in the county of Conecuh on the Conecuh fourth Mondays of March and September, and may continue in session six judicial days; in the county of Monroe on the first Mondays after the fourth Mondays of March and September, Monroe

Clarke and may continue in session twelve judicial days ; in the county of Clarke on the third Mondays after the fourth Mondays of March and September, and may continue in session six judicial days ; in the county of Marengo on the fourth Mondays after the fourth Mondays of March and September, and may continue in session twelve judicial days ; and in the county of Perry on the sixth Mondays after the fourth Mondays of March and September, and may continue in session until the business is disposed of.

Sec. 3. *And be it further enacted*, That the county of Washington be, and the same is hereby attached to and made a part of the tenth judicial circuit.

Washington Sec. 4. *And be it further enacted*, That the circuit courts of the tenth judicial circuit, shall hereafter be holden as follows : in the county of Washington on the 4th Mondays after the 4th Mondays in March and September, and may continue in session six judicial days ; in the county of Baldwin on the fifth Mondays after the fourth Mondays of March and September, and may continue in session six judicial days ; in the county of Mobile on the sixth Mondays after the fourth Mondays of March and September, and may continue in session until the business is disposed of.

Process Sec. 5. *And be it further enacted*, That all writs and other process that may have been issued, or may hereafter be issued, returnable to said courts, as heretofore provided by law, be and the same are hereby made returnable as herein prescribed.

Sec. 6. *And be it further enacted*, That all laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, December 31, 1841.

[No. 30.]

AN ACT

To Appoint Public Weighers in the Town of Wetumpka.

Bond Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Mayor and Alderman of the city of Wetumpka, are hereby authorized to appoint one or more suitable persons, not exceeding two, who shall be known as public weighers for the city aforesaid. And the person appointed public weigher as aforesaid, before he enters upon the duties of his office, shall be required to give bond with good and sufficient security, to the Mayor and Aldermen of the city aforesaid, in the sum of one thousand dollars, for the faithful performance of the duties enjoined on him by this act, and shall also take and subscribe an oath, that he will without favor, partiality, or affection, discharge the duties of his office.

Oath Sec. 2. *And be it further enacted*, That the Mayor and Aldermen of the city aforesaid, shall have power and authority to

make such rules and orders for the government and compensation of said public weighers, as to them may seem meet, and the same to revoke, alter and amend, from time to time, as they may deem proper; and whenever the said public weigher may be called upon by any person or persons, to weigh cotton, or any other article that may, upon examination thereof, prove to be partially wet or damaged, the said public weigher shall have full power and authority to decide and determine the loss of weight such cotton or other article has sustained in consequence of being weighed in a wet or partially damaged state: and the said public weigher shall make such allowance in the actual weight for such wet or damage, as may to him appear equitable and just, between the vendor and the purchaser, or the parties interested therein, and the returns of cotton or any other article made by the public weigher as aforesaid, after having been weighed at the scales of some public weigher, shall be binding upon all parties interested therein, so far as regards the weight: *Provided, however,* That any person or persons whatsoever, shall at all times have the right to weigh his or their own cotton, or any other article, at their own scales.

Sec. 3. *And be it further enacted,* That on charges preferred by any person or persons, feeling themselves aggrieved by the neglect of the said public weigher, and on affidavit being made in support of the same, it shall be the duty of the Mayor and Aldermen aforesaid, to summon the said public weigher to appear before them, at such times as they may appoint, giving at least two days notice, and furnishing at the same time a copy of the charges as preferred, to enable him to appear with his proof; and if on a fair investigation of the charges, from the testimony adduced, the said public weigher shall have been found guilty of any wilful neglect of the duties of his office, it is hereby made the imperative duty of the Mayor and Aldermen of the city aforesaid, to dismiss him from office, and appoint another suitable person to fill the vacancy: *Provided, always,* That the cost of said investigation shall be paid by the party in default; and provided also, that all witnesses shall be entitled to the same pay, and the cost shall be collected, as in other cases; provided, also, that it may be lawful for any person or persons, who may be injured by the public weigher, to put in suit the bond aforesaid in any court having jurisdiction thereof, and judgment shall be rendered for the penalty of said bond, to be discharged by the payment of the amount of damages, found actually to be sustained, together with cost of suit: *Provided,* That nothing in this act contained shall be intended to force persons to have their cotton and other produce weighed by the aforesaid weigher, unless they shall think proper so to do.

Sec. 4. *And be it further enacted,* That in case any public weigher, appointed for the city of Wetumpka, shall take or exact a greater sum than shall be allowed by the Mayor and Aldermen

Dismissal for extortion of said city, by the provisions of this act, it is hereby made the imperative duty of the said Mayor and Aldermen, on due proof, to dismiss him from office, and to appoint another suitable person to fill his vacancy.

Approved, December 31, 1841.

[No. 31.]

AN ACT

To Provide for a Special Term of Chancery Court at Moulton.

Special term

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Chancellor of the Northern Division be, and he is hereby authorized and required to hold a Special Term of Chancery Court for the Fourth Chancery District, at Moulton, on the fourth Monday of January, 1842.

Sec. 2. *Be it further enacted,* That all the papers that were returnable to the last regular term of said court, be and they are hereby made returnable to the special term of said court herein provided for.

Approved, December 29, 1841.

[No. 32.]

AN ACT

Concerning Suits against Executors, Administrators, &c.

Process

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Executors, Administrators and Guardians, shall be and are hereby made liable to be sued in all cases, against them, in their representative character, in the courts of the county in which letters may have been granted to them, in the same manner as if they were resident freeholders of such county; and that service of process, in all such suits, made in any county in this State, shall be as effectual as if made in the county in which the letters were taken out; any law, usage, or custom, to the contrary notwithstanding.

Approved, December 2, 1841.

[No. 33.]

AN ACT,

To Amend an Act Entitled An Act for the Government of the Port and Harbour of Mobile: Approved December 23, 1822.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall not be lawful for any person in the employ of any insurance office in the city of Mobile, to hold, exercise, or perform any of the duties of harbour master, or warden, of the port of Mobile; any law, usage, or custom, to the contrary notwithstanding.

Approved, December 29, 1841.

[No. 34.]

AN ACT

To Establish an Additional Board of Physicians in the Town of Florence.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, there shall be a Board of Physicians established at the Town of Florence. ^{Board}

Sec. 2. *And be it further enacted,* That the said Board of Physicians shall be appointed, guided, and regulated in all respects, by the provisions of an act. to amend an act, to regulate the licensing of physicians to practice, and for other purposes therein named, passed January 15th, 1830. ^{Regulated}

Approved, December 23, 1841.

[No. 35.]

AN ACT

Authorizing a Special Term of the Chancery Court for the Second District of the Southern Division at Clayton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a special term of the Chancery Court at Clayton, in the second district of the Southern Division, be and the same ^{Special term} is hereby authorized to be held; which special term shall begin on the first Monday in March next, and may continue until the business is disposed of.

Sec. 2. *And be it further enacted,* That all process returnable at the last term of said court, be and the same is hereby ^{Process} made returnable to said special term; and shall be valid to all intents and purposes, any law to the contrary notwithstanding.

Approved, December 29, 1841.

[No. 36.]

AN ACT

To Regulate the Weighing of Cotton in the City of Mobile, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter it shall not be lawful for any weigher of cotton in the city of Mobile, to charge more than six and one ^{Charge} quarter cents, for each bale weighed; and if any person shall presume to charge more for such services, he shall forfeit for each violation of this act, the sum of one hundred dollars, to be recovered by action of debt in any court of competent jurisdiction; one half of which shall go to the use of the county of Mobile, and the other half to the person who may prosecute the ^{Penalty} action,

Repeal 1

Sec. 2. And be it further enacted, That an act, entitled an act to amend an act relating to Inspectors, passed December 17th, 1818, as respects bagging and rope, approved February 5th, 1840, be and the same is hereby repealed.

Approved, December 29, 1841.

[No. 37.]

AN ACT

To revive an Act therein named, and for other purposes.

Revived

Proviso

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, an act to incorporate the town of Carrollton in the county of Pickens, Fayetteville in the county of Fayette, and for other purposes, approved January 15th, 1831, be and the same is hereby revived and in full force, so far as relates to the county of Pickens: *Provided,* the corporate bounds of Carrollton shall not extend beyond half a mile in every direction from the court house.

Approved, December 29, 1841.

(No. 38)

AN ACT

To divide the State of Alabama into three Chancery divisions, and for other purposes.

Districts

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the State of Alabama shall be divided into three Chancery Divisions, as is hereinafter provided.

Sec. 2. And be it further enacted, That the State shall also be divided into forty Chancery Districts. to be numbered from one to forty inclusive, to wit: the counties of Mobile and Baldwin, shall constitute the first district; the counties of Washington and Clarke, the second district; the county of Sumter, the third district; the county of Marengo, the fourth district; the county of Monroe, the fifth district; the counties of Conecuh and Covington, the sixth district; the county of Butler the seventh district; the counties of Dale, Coffee and Henry, the eighth district; the county of Barbour, the ninth district; the county of Pike the tenth district; the county of Montgomery the eleventh district; the county of Lowndes the twelfth district; the county of Wilcox the thirteenth district; the county of Russell the fourteenth district; the counties of Chambers and Randolph the fifteenth district; the county of Macon the sixteenth district; the county of Tallapoosa, the seventeenth district; the counties of Coosa and Autauga the eighteenth district; the county of Dallas the nineteenth district; the county of Per-

ry the twentieth district; the county of Greene the twenty-first district; the county of Tuscaloosa the twenty-second district; the county of Pickens the twenty-third district; the counties of Fayette and Marion the twenty-fourth district; the counties of Walker and Jefferson the twenty-fifth district; the county of Bibb the twenty-sixth district; the county of Shelby the twenty-seventh district; the county of Lauderdale the twenty-eighth district; the county of Franklin the twenty-ninth district; the county of Lawrence the thirtieth district; the county of Limestone the thirty-first district; the county of Madison the thirty-second district; the county of Morgan the thirty-third district; the counties of Blount and St. Clair the thirty-fourth district; the county of Marshall the thirty-fifth district; the county of Jackson the thirty-sixth district; the county of DeKalb the thirty-seventh district; the county of Cherokee the thirty-eighth district; the county of Benton the thirty-ninth district; and the county of Talladega the fortieth district.

Districts

Sec. 3. *And be it further enacted*, That the Chancery districts, numbering from one to thirteen inclusive, shall hereafter constitute and compose the southern Chancery division. That the Chancery districts numbering from fourteen to twenty-seven each inclusive, shall hereafter constitute and compose the middle Chancery division; and that the Chancery districts numbering from twenty-eight to forty each inclusive, shall hereafter constitute and compose the northern Chancery division.

Divisions

Sec. 4. *And be it further enacted*, That there shall be held in each of said Chancery districts. one Chancery Court in each and every year.

Sec. 5. *And be it further enacted*, That the Court House in the county of Mobile shall be the place of holding the said Courts for the first district; that the court house in the county of Clarke shall be the place of holding said courts for the second district; that the court house in the county of Conecuh shall be the place of holding said courts for the sixth district; that the court house in the county of Henry shall be the place of holding said courts for the eighth district; that the city of Wetumpka shall be the place of holding said courts for the eighteenth district; that the court house in the county of Fayette shall be the place of holding said courts for the twenty-fourth district; that the court house in the county of Jefferson shall be the place of holding said courts for the twenty-fifth district; that the court house in the county of Blount, shall be the place of holding said courts for the thirty-fourth district; that the court house in the county of Chambers shall be the place of holding said courts for the fifteenth district; and that the court houses in the counties composing all other districts shall be the respective places of holding said courts in each of said districts.

Districts

Sec. 6. *And be it further enacted*, That the said Chancery courts shall be holden in the several districts at the times following, to wit: in the first district on the first Monday in March in

Districts

each and every year, and may continue in session until the fourth Monday in April next thereafter; in the second district on the fourth Monday in April in each and every year, and may continue in session one week; in the third district on the first Monday after the fourth Monday in April in each and every year, and may continue in session one week; in the fourth district on the second Monday after the fourth Monday in April in each and every year, and may continue in session one week; in the fifth district on the third Monday after the fourth Monday in April in each and every year, and may continue in session one week; in the sixth district on the fourth Monday after the fourth Monday in April in each and every year, and may continue in session one week; in the seventh district on the fifth Monday after the fourth Monday in April in each and every year, and may continue in session one week; in the eighth district on the second Monday in October in each and every year, and may continue in session one week; in the ninth district on the third Monday in October in each and every year, and may continue in session one week; in the tenth district on the fourth Monday in October in each and every year, and may continue in session one week; in the eleventh district on the first Monday after the fourth Monday in October in each and every year, and may continue in session one week; in the twelfth district on the second Monday after the fourth Monday in October in each and every year, and may continue in session one week; in the thirteenth district on the third Monday after the fourth Monday in October in each and every year, and may continue in session one week; for the middle division, in the fourteenth district on the first Monday in May in each and every year, and may continue in session one week; in the fifteenth district on the second Monday in March in each and every year, and may continue in session one week; in the sixteenth district on the third Monday in May in each and every year, and may continue in session one week; in the seventeenth district on the fourth Monday in May in each and every year, and may continue in session one week; in the eighteenth district on the first Monday after the fourth Monday in May in each and every year, and may continue in session one week; in the nineteenth district on the second Monday after the fourth Monday in May in each and every year, and may continue in session one week; in the twentieth district on the third Monday in June in each and every year, and may continue in session one week; in the twenty-first district on the fourth Monday in June in each and every year, and may continue in session one week; in the twenty-second district on the first Monday after the fourth Monday in June in each and every year, and may continue in session one week; in the twenty-third district on the second Monday after the fourth Monday in June in each and every year, and may continue in session one week; in the twenty-fourth district on the third Monday after the fourth Monday in June in each and every year, and may continue

in session one week; in the twenty-fifth district on the fourth Monday after the fourth Monday in June in each and every year, and may continue in session one week; in the twenty-sixth district on the fifth Monday after the fourth Monday in June in each and every year, and may continue in session one week; in the twenty-seventh district on the sixth Monday after the fourth Monday in June in each and every year, and may continue in session one week; for the northern division, in the twenty-eighth district on the first Monday in May in each and every year, and may continue in session one week; in the twenty-ninth district on the second Monday in May in each and every year, and may continue in session one week; in the thirtieth district on the third Monday in May in each and every year, and may continue in session one week; in the thirty-first district on the fourth Monday in May in each and every year, and may continue in session one week; in the thirty-second district on the first Monday after the fourth Monday in May in each and every year, and may continue in session one week; in the thirty-third district on the second Monday after the fourth Monday in May in each and every year, and may continue in session one week; in the thirty-fourth district on the third Monday after the fourth Monday in May in each and every year, and may continue in session one week; in the thirty-fifth district on the fourth Monday after the fourth Monday in May in each and every year, and may continue in session one week; in the thirty-sixth district on the fifth Monday after the fourth Monday in May in each and every year, and may continue in session one week; in the thirty-seventh district on the sixth Monday after the fourth Monday in May in each and every year, and may continue in session one week; in the thirty-eighth district on the seventh Monday after the fourth Monday in May in each and every year, and may continue in session one week; in the thirty-ninth district on the eighth Monday after the fourth Monday in May in each and every year, and may continue in session one week; and in the fortieth district on the ninth Monday after the fourth Monday in May in each and every year, and may continue in session one week.

Districts

Sec. 7. *And be it further enacted*, That there shall be elected by a joint vote of both Houses of the present General Assembly, a Chancellor for the middle chancery division, who shall hold his office for the term of six years, and shall reside in said division, and shall be vested with the same powers, privileges, and duties of the present Chancellors within their respective divisions.

Chancellor to be elected

Sec. 8. *And be it further enacted*, That all causes now pending in the Chancery Courts as now established by law, shall on the application of either complainant or defendant, be transferred to the district in which the defendant resides, and such transfer when made, shall be done by order of the Court entered on its minutes, and it shall thereupon be the duty of the Regis-

Transfer of causes

Proviso

ter of the Court, wherein the cause is now pending, immediately thereafter to deliver to the Register of the Court, to which the said cause shall be ordered to be transferred, the original papers in such suit, together with a transcript of all entries, orders and decrees, made in such cause in the Court, from which said cause is ordered to be removed, all of which shall be certified by the said Register delivering the same: *Provided*, That it shall be lawful for all causes now pending in any Chancery Court to be and continue in such Court, and be there disposed of in the same manner as they would have been, if this act had not passed, unless an order be made for their transfer to some other Court, as is herein above provided.

Register to be appointed

Sec. 9. *And be it further enacted*, That each Chancellor in his respective division, shall appoint a Register for each chancery district not now provided with a Register, whose term of service, duty and power shall be the same that the law now prescribes for Registers; and said Register shall enter into a similar bond as is now required of other Registers, and they shall keep their office at the place of holding courts in their respective districts

Writs of Injunction

Sec. 10. *And be it further enacted*, That the Registers in Chancery are empowered and authorized in vacation to grant writs of *injunction* and *ne exeat*, and all special orders, which it would be competent for the Chancellor to grant, subject, however, to be annulled or modified by the Chancellor on a proper application to him.

Oaths

Sec. 11. *And be it further enacted*, That the Chancellor and Registers respectively, shall have power to administer oaths in all cases in chancery, when oaths are necessary and proper.

Chancellor when incompetent

Sec. 12. *And be it further enacted*, That whenever the presiding Chancellor shall be incompetent to hear a cause, by reason of his being interested in the subject matter of the suit, or by reason of other legal objection, it shall be his duty, on motion of either of the parties to transfer the same to the nearest Court free of the objection: *Provided*, however, with the consent of the parties, he may retain the cause, and hear and determine the same.

Powers of Registers

Sec. 13. *And be it further enacted*. That the Registers shall have full power and authority in vacation to make interlocutory orders and decrees in any cause pending in any of said Courts in their respective districts: *Provided*, That the opposite party shall have reasonable notice of the time and place of making an application for such order or decree; and the orders or decrees so made shall have the same effect, as if made in term time; but said orders and decrees shall, at all times be subject to the revision, order and control of the Chancellor.

Sec. 14. *And be it further enacted*, That all laws now in force regulating the practice in the separate Courts of Chancery in this State not inconsistent with the provisions of this act, be and the same are hereby made applicable to said Courts, as herein provided.

Approved, December 30, 1842.

(No. 39.)

AN ACT

To establish a ware house for the inspection of Tobacco in Decatur in this State

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be a ware house for the inspection of Tobacco established at Decatur in this State, which shall be governed by the same rules and regulations, as the ware houses for the inspection of Tobacco heretofore established at Mobile and Selma in this State.

Warehouse
established

Approved, December 23, 1841.

(No. 40.)

AN ACT

To amend the charters of the Banks of the State of Alabama and the several Branch Banks in the mode of collecting their debts and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the notes, bills bonds or other evidences of debt held by the said Bank or Branch Bank, payable to the Cashier or the person, who has filled the office of Cashier of said Bank or Branch Banks may be sued, and collected in the name of the several Banks in the same manner, as if they had been made payable directly to the said Bank or Branch Banks, by which the paper has been taken or discounted.

Collection of
Bank debts

Sec. 2. *And be it further enacted,* That no notice, writ, declaration, or judgment, which has been issued, filed, or rendered on such papers, shall be abated, set aside, or reversed on account of the want of assignment, transfer or endorsement of said paper, by the officer or person acting as Cashier, to whom it was so made payable. But the legal title to such paper, for all purposes of suit or collection, shall be deemed to have been in said Bank or Branch Bank by whom the paper was discounted.

Transfer of
paper

Approved, December 4, 1841.

(No. 41.)

AN ACT.

The better to enable the collection of debts due the Bank of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the provisions of an act entitled an act to amend the charters of the Bank of the State of Alabama, and the several Branch Bnks, in the mode of collecting their debts, and for other purposes, approved 4th December, 1841, be and the same are hereby extended to the Bank of Mobile.

Extended

Approved, December 29, 1841.

(No. 42.)

AN ACT

To amend the charter of the Planters' Bank of Mobile

Relinquish-
ment of stock
heretofore for
feiture

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for the President and Directors of the Planters' and Merchants' Bank of Mobile, and they are hereby authorized and empowered to allow original subscribers for stock in said Bank, who have not made full and complete payment for the same, to relinquish that portion of their stock heretofore, forfeited under the provisions of an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its several Branches, and legalizing the suspension of specie payments, and for other purposes, approved June 30th, 1837; and apply all partial payments made thereon, to the complete payment of any portion of said stock, originally subscribed for by the said stockholders.

Sec. 2. *And be it further enacted,* That whenever the President and Directors of said Bank, shall notify the Governor of their acceptance of this act, as a part of their charter, the same shall thenceforth have the force and effect of law.

Approved, December 9, 1841.

(No. 43.)

AN ACT.

To prevent frauds in elections.

Duty of man-
agers

Duty of clerk

Duty of grand
jury

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the 4th day of July next, it shall be the duty of the managers of elections at the different precincts in each and every county in this State, within three days after the election, to forward to the Clerk of the county Court of their respective counties, the list of persons who shall have voted, at the election of which they were managers, which list shall be certified to by said managers or a majority of them, and also the clerk, who may have acted as such, at such precinct; and it shall be the duty of the clerk of the county courts of the different counties in this State, to preserve said list in their offices, for one year next after the election; and they shall permit any person to inspect and compare the list of names from the different precincts in the clerk's office, free of charge.

Sec. 2. *And be it further enacted,* That it shall be the duty of the grand jury of each and every county in this State, to examine at each term of the Circuit Court, the list aforesaid, and if they find that any fraud has been practised, or that any person not qualified to vote, according to the Constitution and laws governing in each election, or if they shall find that any person shall have voted more than once in the same election, or that there

has been any other violation of the laws and Constitution, in such case made and provided. then the said grand jury shall make presentment thereof, upon which the solicitor shall file his Presentment indictment as in other cases.

Sec. 3. *And be it further enacted*, That if hereafter any person or persons being not a qualified voter under the laws and provisions of the Constitution of this State or of the United States, applicable to each particular election, shall vote in such election, the person so offending, shall be guilty of a misdemeanor, and on conviction thereof, on indictment in the Circuit Court, shall be fined three hundred dollars, and in default of payment thereof, shall be imprisoned in the county jail not exceeding three months. Indictment

Sec. 4. *And be it further enacted*, That if any person shall in the same election, being a qualified or unqualified voter, give more than one vote, every person so offending shall be guilty of a misdemeanor, and on conviction thereof, in the circuit court on indictment, shall be fined in any sum not less than three hundred dollars, nor more than five hundred dollars, and in default of the payment of said fine, shall be imprisoned in the county jail, any term not less than three months nor more than twelve months, at the discretion of the jury trying the same. Misdemeanor

Sec. 5. *And be it further enacted*, That hereafter in any election in this State, it shall be unlawful for any voter to vote out of the county of his residence, and if any person shall violate the provisions of this section, he shall be deemed guilty of a misdemeanor, and on conviction thereof in the circuit court on indictment, shall be fined in any sum not less than two hundred dollars nor more than four hundred dollars, and on default of the payment of the fine assessed, shall be imprisoned in the county jail, a term not less than one month nor exceeding four months, at the discretion of the jury trying the same. Voting

Sec. 6. *And be it further enacted*, That any person imprisoned under the third, fourth and fifth sections of this act, shall only be discharged therefrom by the payment of the fine assessed against him by the jury, and not by taking the insolvent debtor's oath. Discharge

Sec. 7. *And be it further enacted*, That if the managers of elections shall fail, neglect or refuse to comply with the requisitions of this act, they and each of them for every such default shall forfeit to the State, for the use of the county in which such default shall have happened, the sum of one hundred dollars, to be recovered on motion of the solicitor of the proper circuit in the circuit court, of the proper county; and all cases where any of the managers of elections shall fail to comply with the provisions of this act, it shall within ten days after the election of which they were managers, be the duty of the clerk of the county court to issue a notice signed by himself as clerk of the county court to the manager or managers in default, informing him or them that at the next circuit court, the solicitor in Managers for neglect of duty
Penalty

Proviso

behalf of the State, for the use of the county will move the court for a judgment, for one hundred dollars against each of the managers for the violation of the provision of an act entitled an act to prevent frauds in elections; which notice shall be served by the sheriff of the county; which notice shall be sufficient to authorize the circuit court to render judgment upon the solicitor's motion, provided that all reasonable excuses shall be heard and determined by the court and jury trying the same, for the non-performance of the duties required by this act.

Sec. 8. *And be it further enacted*, That the managers of all elections in this State, shall cause the full name of every voter to be written out on the list, and if there be a double christian name to write that also.

Publication

Sec. 9. *And be it further enacted*, That it shall be the duty of the Governor to cause this act to be published four times in one newspaper in each county in the State where a paper is published.

Naturalization

Sec. 10. *And be it further enacted*, That naturalized citizens shall not be required to produce a certificate of their naturalization, but in all cases when required, make oath in writing of the time and place when naturalized; which oath shall be filed with the clerk of the county court of the proper county; and any person or persons swearing falsely under the provision of this section, shall on conviction be subject to all the pains and penalties of perjury: *Provided*, That nothing herein contained, shall be construed to affect any prosecution or proceeding now pending against any person or persons for violations of the laws on the subject of elections, but said person or persons shall be punished on conviction according to the laws heretofore in force.

Proviso

Foreigners

Sec. 11. *And be it further enacted*, That in all elections hereafter to be held in the State, when any person of foreign birth shall offer to vote at said election, and he is willing to subscribe to and take the oath recited in the 10th section of this act such person shall be permitted to do so; and upon a refusal of the managers or a majority of them, to permit the same, said managers so refusing shall, upon conviction before any court having jurisdiction of the same, be fined in a sum of one hundred dollars each, one half to enure to the prosecutor, and the other half to be deposited in the treasury of the county, for county purposes.

Approved, January 1, 1842.

[No. 44.]

AN ACT

To change the time of convening the General Assembly.

Changed

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter the General Assembly shall convene on the first Monday in December, instead of the time now provided by law.

Approved, December 9, 1841

[No. 45.]

AN ACT

To accept the two per cent Fund.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in pursuance of the seventeenth section of an act, entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights" passed by the Congress of the United States, and approved the 4th September, 1841, the State of Alabama hereby accepts the relinquishment of the two per cent. fund, on the terms and conditions in said seventeenth section expressed. Two per cent fund accepted

Sec. 2. *And be it further enacted*, That the whole of the said two per cent. fund, shall be faithfully applied under the direction of the Legislature of Alabama, to the connexion of some means of internal improvement of the navigable waters of the bay of Mobile, with the Tennessee river, and to the construction of a continuous line of internal improvement, from a point on the Chattahoochie river, opposite West Point in Georgia, across the State of Alabama, in a direction to Jackson, in the State of Mississippi; and so far as relates to the faithful application of said two per cent. fund to the purposes aforesaid, this act is hereby declared unalterable without the consent of Congress. To what appropriated

Sec. 3. *And be it further enacted*, That the cashier of the bank of the State of Alabama, be, and is hereby authorized and required to demand and receive the said two per cent fund as the same may become due and payable; and shall keep the same on special deposit.

Approved, December 29, 1841.

[No. 46.]

AN ACT

To enable the Joint Examining Committee more effectually to investigate Bank Frauds.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it be made the duty of the joint examining committee appointed by the two houses during the present session, for the purpose of investigating certain bank frauds, forthwith to cause to come before them all members of the two houses, and such other persons as they deem fit, and examine them severally under oath touching their knowledge or information of any fraud, neglect, abuse or misconduct practised against the State bank or any of its branches, or in the management thereof, and touching the agents reported to be connected with any such fraud, abuse, neglect, or misconduct. Examination of members

Sec. 2. *And be it further enacted*, That such member of said joint committee as the said committee may have elected, or may hereafter elect chairman, and his successor, or also any chairman *pro tem*, shall have all powers conferred by this act on the chairman of said committee. Chairman

Sec. 3. And be it further enacted, That a majority of said committee shall form a quorum, with all the powers vested by this act in said committee; and any less number may adjourn to such time and place as a majority of them in attendance may designate. A majority of said committee may assemble at any time and place, either with or without a previous agreement to that end at their last meeting, and so assembled shall have all the powers vested by this act in said committee. In case of absence of their chairman, any such quorum, or irregular meeting of a majority may appoint a chairman *pro tem*. No act or resolution shall require the concurrence of more than a majority of those present and voting—said committee shall appoint one or more sub-committees consisting of two or more members and assign them any duty within the scope of the resolutions under which said committee was raised, and within the purview of this act; and such sub-committee shall have and exercise all the powers vested by this act in said joint committee. The chairman of said joint committee may assemble the same at any time and place he may appoint—said joint committee may, if need be, appoint messengers, who shall execute all process and other lawful orders of said committee, or of any member thereof: and may also appoint, in case of need, clerks who shall make and keep a record of the proceedings of said committee, and of all the testimony taken before the same; and shall record the names of the members present, and also of such as are in default. In case of vacancy by death, or otherwise in the office of chairman, the same shall be filled by any one, the committee may elect of their own number, or by the house of which he was a member—said committee or sub-committee shall have power to send for persons and papers and examine and report touching any fraud, misconduct, neglect, partiality, favouritism or misusage, attempted, done or suffered by any one to the prejudice of said bank or either of said branches, or in the management thereof, and to entertain specifications of charges and proceed to have and examine the same, as provided for in the resolutions aforesaid—said committee may without further leave, investigate any charge within the scope of said resolutions, against any member of either branch of the Legislature; may examine any officer of said bank or in either of said branches, and all books, papers or moneys therein. All said officers shall aid and facilitate such examination, on proper notice, by submitting all such books, papers and moneys, and by every other proper means on pain, if convicted of refusal to do so, before any Circuit Court of this State, of not less than three months imprisonment in the county jail; said committee or any member of such sub-committee as aforesaid may issue subpoenas or any other necessary process. and administer all oaths and take all depositions authorized by this act. And in all cases of wilful failure to execute or obey any such subpoena or other process, or refusal fully and truly to answer questions,

Quorum

Committees

Messengers

Record of proceedings

Vacancy

Powers of committee

Duty of Bank officers to aid in examining.

the party offending, (unless exempted from the operation of this act by any provision in the constitution) on conviction as aforesaid, shall be imprisoned in the county jail not less than one nor more than three months, at the discretion of the jury trying the same; and when it shall appear that upon oath or affirmation, that any individual is a material witness in any of said investigations, and it shall be probable that said witness will not obey such subpoena, process of attachment may issue in the first instance—and the committee examining, may commit for contempt, if need be, for a space of time not exceeding forty-eight hours. It shall only be necessary for any subpoena or attachment, issued by virtue of this act, to make known that it is issued under the provisions of the same, and for the purpose of examining the witness, touching his knowledge in general of frauds practiced or attempted to be practiced on said bank or any of said branches, and said committee or any member of any such sub-committee, shall have power to recognize in any sufficient sum, to appear and answer before the Circuit Court of the proper county, any one offending against any provision of this act, or any one charged on proof, sufficient to justify commitment, of any conspiracy to defraud said bank or any of said branches, and also to recognize the witnesses; all such recognizances shall be made payable to the Governor of the State of Alabama; and where any one appears liable to civil action, in consequence of fraud upon said bank or any one of said branches, he may in like manner be recognized to answer such action; and the witnesses against him may also be recognized; said last class of recognizances shall be made payable to the corporation injured, and the plaintiff may file declaration and proceed to trial without further process of writ. Nothing in this act shall compel any one to accuse himself of any indictable offence; but mere liability to civil action, or aversion to expose an accomplice, shall not excuse his answering fully. All subpoenas or other process returnable before said joint committee, shall be issued by the chairman thereof; said messengers, and all coroners, sheriffs and constables in this State shall execute in any county in this State, any process issued under this act, and placed in their hands for execution; any member of any sub-committee may appoint a messenger to execute process issued by him, and any ministerial officer herein mentioned shall, if need be, summon a sufficient force to ensure execution of process; and any one failing or refusing to obey such summons on conviction as aforesaid, shall be imprisoned in the county jail not less than one nor more than three months at the discretion of the jury trying the same. No hearsay evidence shall be recorded, but the clerk or the several members of the committee shall make private memoranda of so much thereof, mentioning the informant's name, as may serve as the means to further discovery, and shall in-

Penalty on failure to obey process.

Powers

Recognizances of witnesses and persons to appear before the Circuit Court

Process

Hearsay evidence

Clerks sworn
to secrecy

investigate accordingly—and all examinations may, if the witness consent, be heard in private, and the committee may at other times sit with closed doors. Each of said clerks and messengers shall be sworn to preserve secrecy during the pendency of any investigation, and shall also be sworn faithfully to discharge their several duties. Witnesses residing over one mile from the place of examination shall be allowed for attendance one dollar per day, while remaining at the place of examination till discharged, and ten cents per mile going and coming, to be paid out of the nearest bank or branch aforesaid on the certificate of the member issuing the subpœna or attachment. The clerk shall be allowed four dollars per day; any other ministerial officer, such compensation as the committee or member employing him, may certify, not exceeding four dollars per day, and the several members of said committee, the ordinary per diem pay of a member of the general assembly for each day of actual service, in addition to the ordinary mileage while travelling, to be paid on the certificates of the chairman out of the state treasury: *Provided*, that messengers, clerks and other ministerial officers employed, near any of said branches, shall be paid in the same manner as witnesses.

Compensation of officers
&c.

Proviso

Attachment
real and personal estate

Proviso

Sec. 4. *And be it further enacted*, That all civil or criminal recognizances, taken under this act, shall bind all real and personal estate of the party from the date thereof; and in all cases where a recognizance to answer a civil action, might be authorized by this act, an attachment at the suit of the corporation injured, may be issued against the real and personal estate of the defendant, by the committee or member authorized by this act, in a like case to take a recognizance; and it shall only be necessary for such attachment to recite as the grounds thereof, the particular fraud and the probable amount of loss thereby; and such attachment shall have the same effect and be returnable as attachments for debt; and garnishments shall be served in like manner and with like effect, as in other cases of attachment; and no bond or affidavit, other than as hereinbefore required, shall be necessary to the issuing such attachment: *Provided*, that defendant may have his action against the plaintiff for vexatious attachment; and in any civil action within the scope of this act, in order to recovery in respect of any fraudulent recommendation, it shall not be necessary to prove that the paper, (being the subject of the fraud,) is due, or the parties thereto sued to insolvency; and the circuit and county courts of the county, where the plaintiff corporation is located, in any such civil action, shall have jurisdiction, and the process may be made returnable accordingly, whether defendant resides in that or some other county.

Sec. 5. *And be it further enacted*, That the powers of this committee, and every member thereof under this act, may

continue during the session of this legislature—and if they shall deem it necessary to carry out the true intent of the resolutions under which the said committee was raised, they may have power to sit as a joint examining committee, until the 1st day of May, 1842.

Continuation
of committee.

Approved, December. 21, 1841.

[No. 7.]

AN ACT

To incorporate the Stockton Steamboat and ware house company in the county of Baldwin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William Kitchen, Jno. Gallagher, Reuben McDonald, and Gerald Byrne and their associates, be and they are hereby constituted a body corporate, under the name of the “Stockton Steamboat and Ware House company, of the town of Stockton,” and by that name may sue and be sued, contract and be contracted with, have, hold, possess, enjoy, alien, grant and demise lands, tenements, and hereditaments, together with steamboats and other property, not exceeding two hundred thousand dollars in value: to have a common seal, and at their pleasure to alter and renew the same; to make such by-laws and ordinances for the management of the affairs of said company, as may be found necessary, and not incompatible with the constitution and laws of this State.

Body corpo-
rate
Name and
style

By-laws

Sec. 2. *And be it further enacted,* That the said corporation may cause to be erected, and use one or more ware houses and steamboats in the town of Stockton, and erect wharves in said town, as they may acquire property, bounded by the Tensaw river: *Provided,* said company shall not obstruct the channel of the said river, in any manner or impair the public right of navigation therein: *And provided further,* that said corporation shall be subject to all such rules and regulations, as the General Assembly may from time to time prescribe: *And provided further,* that the legislature may repeal this act if thought desirable, after ten years from the passage thereof: *And provided further,* that the individual property of the incorporators, shall be liable for all debts contracted by said corporation, and in the event of any judgment being obtained against said corporation and an execution returned thereon “*nulla bona,*” the said judgment shall be deemed and taken in law, as a judgment against any of the said corporators, or their assignees, and an execution may be sued out accordingly.

Wharves
erected

Provisos

Approved, December 28, 1841.

[No. 47.]

AN ACT

To Incorporate the Tallapoosa Lyceum.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Samuel C. Dailey, Frederic P. Nosworthy, S. Heydanfield, Leroy Grisham, James L. Burney, James W. Townsend, Thomas Clay, William Hayden, James M. Pearson, Henry C. Drummond and Alexander Kimball, and their associates, be and they are hereby declared and constituted a body politic and corporate, by the name of the Tallapoosa Lyceum.

Body politic

By-laws

Sec. 2. *And be it further enacted,* That the aforesaid gentlemen shall have power to pass all by-laws that shall be necessary to the carrying out of the proper objects of the said Lyceum, not inconsistent with the constitution and laws of this State. They shall have power to hold any amount of estate, real or personal, not to exceed in value five thousand dollars; they may sue and be sued, and generally use and exercise all and singular the powers incident to such corporations.

Sec. 3. *And be it further enacted,* That this act shall take effect from and after its passage.

Approved, December, 31, 1841.

[No. 48.]

AN ACT

To extend the Charter of a Turnpike Road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an act passed on the seventh day of January, one thousand eight hundred and thirty, establishing a turnpike road leading from Marston Meads, in Blount county, by the nearest and best route to Ezekiel P. Wallis' at the foot of the Cumberland mountain, on the route to Ditto's Landing, entitled An Act to Establish a Turnpike Road therein mentioned, and the supplemental acts thereto, approved January the 21st, 1832, and January the 7th, 1835, be and the same are hereby continued in full force from the expiration of said charter, from the tavern stand of Jacob Decker on said road in Blount county, to the end of said turnpike road in Morgan county.

Charter extended

Sec. 2. *And be it further enacted,* That no toll gate shall hereafter be erected on that portion of said turnpike road lying south of the tavern stand of the said Jacob Decker, but that portion of said road shall hereafter remain and be subject to the same rules and regulations as other county roads of Blount county.

Regulations

Sec. 3. *And be it further enacted,* That Philip D. Clack, the proprietor of said turnpike road, be vested with all the rights and privileges granted in the said several acts: *Provided,* however, that the citizens of the counties respectively, through which any portion of said road passes, shall be exempted from the payment of toll on the same.

Approved, December 31, 1841.

[No. 49.]

AN ACT

To Incorporate the Alabama State Agricultural Society.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Henry W. Collier, Robert Jemison, jr., John L. Hunter, James Hogan, M. D. J. Slade, James M. Dunlap, B. Manly, B. Whitfield, R. T. Brumby, James L. G. Aiken and D. Scott, officers elect of the Alabama State Agricultural Society, (organized by a convention holden in the capitol on the sixth of December, in the year one thousand eight hundred and forty-one,) and their associates and successors, be and they are hereby declared to be a body politic and corporate, under the name and style of the Alabama State Agricultural Society, for the term of twenty years, which corporation is hereby created to promote and improve the condition of agriculture, horticulture and the household arts.

Body corpo-
rate and poli-
tic
Name and
style

Sec. 2. *And be it further enacted,* That the officers and members of said corporation and their successors, shall have power to adopt and ordain such rules and regulations, and possess such powers incident and pertaining to corporations, as may in the judgment of its executive board be necessary to enable it to execute the purposes of its creation: *Provided,* such rules, regulations and powers be not repugnant to the laws and constitution of this State, or of the United States.

Powers
Proviso

Sec. 3. *Be it further enacted,* That the officers elected at the convention aforesaid, shall continue in office until the second Monday of December, in the year one thousand eight hundred and forty-two, and until their successors are appointed.

Term of office

Sec. 4. *And be it further enacted,* That it shall be the duty of the Judge of the county court and commissioners of revenue and roads in each county of this State, in which there shall be no agricultural society, at the next fall term of their respective courts, and annually thereafter, until an agricultural society shall be formed within the county, to cause notice to be given in such manner as in their opinion may be best calculated to give general publicity throughout the county, that there will be held at the place of holding court in said county, on such day as may by said Judge and Commissioners be thought expedient, a meeting of the citizens of the county for the purpose of organizing a county agricultural society. And every county agricultural society formed, or to be formed, shall possess the powers of a body politic and corporate, for the purposes contemplated by this act, for the term of twenty years, so soon as it shall cause its constitution and by-laws, together with the names of its officers, to be registered with the clerk of the county court of the county.

Duty judge
county court

County socie-
ties
Powers

Sec. 5. *And be it further enacted,* That the county societies may become auxiliary to the State society by transmitting to the secretary of the latter, a copy of its constitution, by-laws (if any) and names of its officers, certified by the clerk of the proper county court.

Donations *Sec. 6. And be it further enacted,* That the county societies shall raise funds by donations, to be distributed in premiums, and shall prescribe the manner and the objects for which premiums shall be distributed, so as to excite a laudable enterprise and competition in the improvement of agriculture, horticulture and the household arts.

Operations *Sec. 7. And be it further enacted,* That the county societies shall transmit to the State society at each annual meeting a succinct statement of their operations for the previous year, and the names of their respective officers, together with an account of experiments and improvements in the county interesting to husbandry.

Annual meet- *Sec 8. And be it further enacted,* That the State society shall prescribe the representation to which each county society shall be entitled in its annual meetings, and delegates from the county societies shall hereafter constitute the State society.

Powers *Sec. 9. And be it further enacted,* That the State and county agricultural societies shall exercise only such powers as by this act are granted, or such as may be necessary to subserve the objects declared by the same; and the legislature may at any time alter, modify, or repeal this act, or any by-law of the corporation hereby established.

Approved, December 31, 1841.

No. 50.]

AN ACT

To revive the Charter of Incorporation of the Town of Union Town in Perry County.

Charter re- *Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an act to incorporate Union Town in the county of Perry, approved 23rd December, 1836, be and the same is hereby revived and declared to be in force, with all the rights and powers therein contained, and that the names of Richard Clarke, Hudson T. Ware, Richard Hudson, Jesse B. Edwards, and John R. Johns, be and are hereby substituted in lieu of those mentioned in the second section of the above recited act.

Approved, December 31, 1841.

[No. 51.]

AN ACT

To Amend an Act entitled, An Act to Incorporate the Marion Female Association, approved 9th January, 1841.

Amended *Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Marion Female Association, shall have the right under such regulations and in such form, as the trustees thereof may prescribe, to grant certificates, diplomas, or other

evidences of scholarship; and to own real estate, in addition to its present lot and buildings, not exceeding in value fifty thousand dollars.

Sec. 2. *And be it further enacted*, That said institution shall hereafter be known as and called "the Marion Female Seminary," and in that name shall have and enjoy all the rights and privileges, and be subject to all the restrictions and liabilities imposed by this or any former act. Name and style

Approved, December 14, 1841.

[No. 52.]

AN ACT

To Consolidate the Male and Female Academies of the Town of Irwinton, Barbour County, into one Body Corporate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Male and Female Academies of the town of Irwinton, separate and distinct bodies corporate, shall be and form one body corporate, under the name and style of the Trustees of the Academy of Irwinton, and shall enjoy all the rights and privileges now enjoyed by said corporations. Body corporate

Sec. 2 *And be it further enacted*, That the Trustees of the said Academy, shall be elected by the citizens of said town, qualified to vote for council men, at the time, place and manner prescribed for holding election of council men aforesaid, and to hold their office for the term of one year from said election; all vacancies to be filled in the manner of supplying vacancies for said Board of council men. Election of Trustees

Approved, December 29, 1841.

[No. 53.]

AN ACT

To Incorporate the Greensborough Female Academy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Robert C. Randolph, James M. Witherspoon, David P. Bestor, John May, James McDonald, Matthew Hobson and Robert B. Waller, their associates and successors in office, be and they are hereby constituted a body corporate, by the name and style of the Trustees of the Greensborough Female Academy, and by that name shall have full power and authority, to have and to use a common seal, and the same to break, alter and renew at pleasure, to sue and be sued, plead and be impleaded in all kind of actions, either at law or equity, to receive donations, and make purchases of real and personal estate, not to exceed in value thirty thousand dollars, which shall enure to them and their successors in office forever, and to sell, alien and Body corporate
Name and style

By-laws	dispose of the same, to grant diplomas, or such other evidences of scholarship as they may think proper ; and further, to pass all such by-laws, rules and regulations, as the said incorporation may deem essential for the good government of the said institution : <i>Provided</i> , That such by-laws, rules and regulations, are not repugnant to the constitution and laws of this, or the United States.
Proviso	
Academy established	Sec. 2. <i>And be it further enacted</i> , That the said trustees and their successors in office, shall have power to establish and continue in the town of Greensborough, in Green county, a female academy, under such rules and regulations as may be deemed necessary by them.
Powers	Sec. 3. <i>And be it further enacted</i> , That said trustees and their said successors, shall have power to appoint a President, who shall be chosen from among themselves, and to elect such other officers as they shall deem necessary.
Election of trustees	Sec. 4. <i>And be it further enacted</i> , That an annual election of seven trustees shall be held at such time and in such a manner as may be agreed upon and determined by the stockholders, who shall hold their offices for one year, and until their successors shall be elected ; and all vacancies arising in said body by death, resignation, or otherwise, shall be filled by the remaining trustees or a majority of them, and the member or members so added, shall continue in office until the next succeeding election.
Vacancies	
Exemption	Sec. 5. <i>And be it further enacted</i> , That the lands, buildings, or other property of said academy, shall, while used for the purposes of education, be exempt from all taxation whatever.
	Approved, December 29, 1841.

[No. 54.]

AN ACT

To Incorporate the Magnolia Male and Female Academy in the County of Marengo.

Body corporate
Name and
style

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Joseph Pickett, Samuel Bennett, James L. Watkins, Joseph Agee, William S. Price, Arthur B. Hosea, Gray B. Jones and Reese Price, and their associates and successors in office, are hereby constituted a body corporate and politic, in deed and in law, by the name and style of the Trustees of the Magnolia Male and Female Academy, and by that name shall have full power and authority to have and use a common seal, and the same to break, alter and renew at pleasure, to sue and be sued, plead and be impleaded, answer and be answered unto, in all kinds of actions, to receive donations, and make purchases of property, which shall enure to them and their successors in office forever, and to sell, alien, and dispose of the same, and to hold real and personal estate, not exceeding in value sixty thousand dollars, over and above the value of its library and apparatus,

and to pass all such by-laws, rules and regulations, as the said corporation may deem expedient, the same not being repugnant to the constitution and laws of the United States or of this State. By-laws

Sec. 2. *And be it further enacted*, That five trustees shall always constitute a quorum for the transaction of business, and a majority of said trustees shall have power to fill all vacancies which may occur from any cause: *Provided*, no appointment made by said Trustees shall extend longer than one year. *And, provided further*, that the subscribers to the said male and female academy, or those interested in said academy, shall at their annual meeting have power to fill permanently all vacancies which may have occurred as aforesaid, and the trustees shall report to the annual meeting of the subscribers in each and every year, the State of the funds committed to their charge, with such recommendations with regard to the improvements thereof, as to them may seem advisable. Quorum
Proviso
Vacancies
Report

Sec. 3. *And be it further enacted*, That the said trustees shall have power to elect a President, Vice-President, Secretary and Treasurer; to prescribe the duties of each, and to appoint such teachers as to them may seem expedient; define the rates of tuition, and the same to increase or diminish at pleasure, and to appoint the time of their own meetings. Election of officers

Sec. 4. *And be it further enacted*, That it shall not be lawful for any individual, or copartnership, to retail or vend ardent or other intoxicating liquors, within three miles of said male and female academy; and any person so offending, by violating the provisions of this act, he, she, or they, so offending, shall forfeit and pay the sum of one thousand dollars, recoverable before any court having competent jurisdiction thereof; one half to the prosecutor and the other half to be paid into the county treasury: *Provided*, this act may at any time be repealed or modified by act of the Legislature. Penalty for retailing spirits

Approved, December 25, 1841.

No. 55.]

AN ACT

To incorporate Oak Grove Male and Female Academy in Pickens county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Samuel W. Wood, Levi W. Parker, Thomas Taylor, William Crawford, Richard Billups, Abraham Turnipseed and John C. Bell, be and they are hereby constituted a body corporate under the name and style of the trustees of the Oak Grove Male and Female Academy. Body corporate

Sec. 2. *And be it further enacted*, That the said trustees shall appoint one of their own body to preside as president; shall have power to fill all vacancies that may occur in the trusteeship by death, resignation or otherwise, and shall have

By laws authority to make all such by-laws for the regulation and government of said academy as they or a majority of them may deem necessary, and to alter and amend the same at pleasure :
 Proviso *Provided*, such by-laws are compatible with the constitution of this State and the constitution of the United States; to employ a suitable teacher or teachers and to make all such contracts as may be necessary to carry the said academy into complete operation.

Powers Sec. 3. *And be it further enacted*, That the said corporation, by its corporate name, shall be capable in law of suing and being sued, of pleading and being impleaded, of holding and owning property both real and personal, to any amount not exceeding two thousand dollars, and of selling and conveying the same, and shall have and enjoy all such privileges and powers as are necessary to give full and complete effect to this act according to its true meaning and intent.

Approved, December 31, 1841.

[No. 56.]

AN ACT

To incorporate the Florence Lyceum.

Body corporate
 Name and
 style

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the officers and members and their successors of the Florence Lyceum, founded in the year 1833, for literary and scientific purposes, shall be and continue a body politic and corporate under the name and style of the Florence Lyceum.

Powers

Sec. 2. *And be it further enacted*. That said corporation shall have power and authority to make and adopt a constitution, and to alter the same, declaring the purposes and intentions of the association, and such rules and regulations as are necessary for the preservation and advancement of its interest; to declare the names and number of the different officers, their duty and term of service; and to make such by-laws for the government of its members and the transaction of its business as shall be deemed necessary and proper: *Provided*, that said constitution and by-laws are not inconsistent with the constitution of the State of Alabama or the provisions of this charter.

Proviso

Powers

Proviso

Sec. 3. *And be it further enacted*, That the said corporation shall have the power, right and authority to receive, hold, purchase, grant, and alien property, personal or real: *Provided*, that the said corporation shall not hold or purchase real estate above the value of twenty thousand dollars, nor personal estate exclusive of books, maps, charts, engravings, furniture, lyceum of natural history, philosophic and scientific apparatus, and other articles properly belonging to such an institution over the value of fifteen thousand dollars.

Sec. 4. *And be it further enacted*, That the said corporation shall and may take by deed, grant, or devise any real or personal estate whatever, subject to the reservations and restrictions contained in the foregoing section; and whenever real or personal estate exceeding in value the amount permitted to the said corporation to hold, shall either accumulate, or be given, granted, or devised to the same, the members of the said society, under the constitution and by license thereof, shall and may have the power and authority to give, grant, and dispose of the same to any seminary of learning, literary or scientific institution, under such terms, limitations and conditions as may seem to them most expedient.

Devise of property

Sec. 5. *And be it further enacted*, That no misnomer of the Florence Lyceum shall defeat, or annul any gift, grant, devise, or bequest to the same: *Provided*, the true intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate, or interest was intended to pass to the said Florence lyceum.

Misnomer

Proviso

Sec. 6. *And be it further enacted*, That no misnomer or nonuse of the rights, liberties, privileges and authorities hereby granted to the said Florence lyceum, shall create or cause a forfeiture thereof; but in the event of a dissolution of the said corporation, either by the voluntary act of its members, or in any other manner, they shall have and exercise the power and right to dispose of the property real and personal, belonging to the same in any manner which to them may seem expedient: *Provided always*, that no such disposition shall take place of such property until all debts, liabilities, engagements and responsibilities due and owing by the said corporation shall be fully paid, satisfied and discharged: *And provided further*, that no individual responsibility shall have or attach to any of the officers or members of the said society, by reason of any debts contracted by the same, but that the said debts shall be collected from the effects of the corporation only.

Forfeiture of rights

Proviso

Sec. 7. *And be it further enacted*, That this act shall be deemed a public act, and judicially taken notice of without pleading, and the same shall be liberally construed, for fully carrying into effect, the beneficial purposes hereby intended.

Deemed a public act

Approved, December 31, 1841.

[No. 57.]

AN ACT

To incorporate the Town of Vienna, in the county of Pickens.

Section 1. *And be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town of Vienna, in the county of Pickens, be and the same is hereby incorporated; and the limits of said corporation shall be as follows, to wit: extending from

Incorporation

the mouth of Manning's branch, along said branch to a point, which, if running north-east, will take in Joel E. Pearson's dwelling house and yard, thence to the house now occupied by Willis Robinson, including said house, thence on a straight line to David Townsends' lot and stables, thence west to the Tombeckbee river, and along said river to the mouth of said branch, (Mannings.)

Sec. 2. *And be it further enacted*, That on the 2nd Monday in January next, or within thirty-days thereafter, and on the 2nd Monday in January, in each and every year thereafter, an election shall be held by ballot for four councillors and one intendant, (a majority of whom shall be resident landholders,) at some public and convenient place within said town, who shall serve for one year from said election, and until their successors in office be qualified, which said election shall be conducted by any two or more of the then acting councillors; and it shall be the duty of the intendant so elected, to preside at all the meetings of the council, and in his absence, or incapacity to attend, any member may be called to the chair, and a majority of the council shall constitute a quorum to do business; and the said board is hereby constituted and declared to be a body politic and corporate by the name of the "Intendant and council of the town of Vienna," and by that name shall have and enjoy all the rights, powers and privileges, and be subject to all the liabilities that are incident to bodies corporate.

Sec. 3. *And be it further enacted*, That the said corporation shall have full and complete power to make such by-laws and ordinances as they may think proper for the good government of said town, and to affix such fines and penalties, as may be deemed necessary to enforce the same: *Provided*, said laws and ordinances be not repugnant to the constitution and laws of this State, and of the United States.

Sec. 4. *And be it further enacted*, That the said corporation shall be authorized to raise a revenue to carry into effect all the objects of the corporation, by levying a tax on all lots, houses, lands and other property of every description liable to taxation by the laws of this State: *Provided*, the tax thereon shall not exceed one-half of the county tax.

Sec. 5. *And be it further enacted*, That the said corporation shall have power to appoint a constable, and such other officers as they may deem expedient, and such constable when appointed shall enter into bond with good and sufficient security, to be approved of by the council, and made payable to the Governor and his successors in office, and shall moreover take an oath before some justice of the peace, faithfully and correctly to discharge the several duties imposed by this act, without favor or partiality to the best of his ability; and the said constable shall be vested with all the power and authori-

Election of
Councillors
and Inten-
dant

Body corpo-
rate
Name and
style

Powers

Proviso

Tax

Proviso

Bond

ty that constables of the county have by the laws of this State, within the limits of the said corporation.

Sec. 6. *And be it further enacted*, That the intendant shall *ex-officio*, be invested with all the powers and authority that justices of the peace have by the laws of this State; and may exercise the same within the limits of said corporation, and the intendant and constable shall be liable to the same restrictions and penalties as justices of the peace and constables of the county are, by the laws of this State. Powers
Liability

Sec. 7. *And be it further enacted*, That should any vacancy occur in the said board, such vacancies may be filled by the remaining members of said board, and the member or members so added, shall continue in office until the succeeding election and qualification, as provided in the second section of this act. Vacancy

Sec. 8. *And be it further enacted*, That the intendant and councilmen shall take an oath before some justice of the peace, faithfully and correctly to discharge the several duties imposed by this act, without favor, partiality or prejudice. Oath

Sec. 9. *And be it further enacted*, That David Townsend, John Lyon and B. J. Hughes, be and they are hereby appointed commissioners to hold the first election for said council, which election shall be held at the time pointed out by the second section of this act, and by at least ten days previous notice of the same, designating the place where said election will be held. Election

Sec. 10. *And be it further enacted*, That the election for said intendant and council, shall commence at the hour of 10 o'clock, A. M. of each day of said election, and be kept open until the hour of 2 o'clock in the afternoon of the same day, and that all free white males over the age of twenty-one years, and who have resided within the limits of said corporation two months immediately preceeding said election, shall be entitled to vote at said election. Qualification
of voters

Sec. 11. *And be it further enacted*, That all persons residing within the limits of said corporation, who are liable to work on all roads, lanes, streets and alleys, within the limits of the same, and shall be exempt from working on roads without the aforesaid limits, the road leading from said corporation to the mouth of Sipsey river excepted: *Provided*, that no person residing without the limits of said corporation, shall be compelled to work on any road, street, lane or alley, within the limits aforesaid. Provide

Approved, December 28, 1841.

(No. 59.)

AN ACT

To incorporate the town of Camden, in the county of Wilcox.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the town heretofore known and called Barboursville, in the county of Wilcox, be and the same is hereby incorporated, and shall hereafter be known and called the town of Camden; and the limits of said corporation shall be as follows, to-wit: the courthouse of the aforesaid county of Wilcox, shall be considered as the center of said town, and shall extend one-fourth of one mile east, one fourth of one mile South, and so far north and west as to include the Methodist church; and that all free white inhabitants dwelling within said corporate limits and their successors forever, shall be, and they are hereby constituted and made a body politic and corporate by the name of the town of Camden—and by that name may have and use a common seal, which they may alter and amend at pleasure, and may sue and be sued, plead and be impleaded in any Court, and may receive, purchase, and hold property real or personal, not exceeding ten thousand dollars in value, and may lease, sell, use, and dispose of any such property in any manner they may think proper, for the use and benefit of the said town of Camden.

Body corpo
rate
Name and
style

Powers

Sec. 2. *And be it further enacted,* That the corporate powers of said town, shall be vested in, and exercised by and through one intendant and four councillors, who when elected and qualified agreeable to an act, approved 2nd January, 1841, incorporating the town Eutaw in the county of Greene, shall constitute a board to be called the intendant and council of the town of Camden.

Election for
intendant and
councillors

Sec. 3. *And be it further enacted,* That an election for intendant and councillors of said town, shall be holden on the first Monday of February, 1842, in the same manner, rules and regulations as prescribed by an act entitled an act to incorporate the town of Eutaw, in the county of Greene, approved, January 31, 1840; and shall be conducted by John P. Fairly, Calvin C. Seller, and Charles Deer, or a majority of them; and all elections thereafter to be held, for intendant and councillors for said town of Camden, shall be held on the first Monday in January in each and every year thereafter, and shall be conducted in the same manner as prescribed in the above recited act, incorporating the town of Eutaw, in the county of Greene: *Provided however,* if there should be no election for intendant and councillors, agreeable to the provisions of this act; this act of incorporation shall not be considered as forfeited.

Proviso

Sec. 4. *And be it further enacted,* That the powers, privileges, rights and immunities conferred by an act entitled an

act to incorporate the town of Eutaw, in Greene county, approved, January 2, 1841, are hereby transferred to and vested in the intendant and council of the town of Camden, in the county of Wilcox. Transfer of powers

Approved, December 30, 1841.

[No. 59.]

AN ACT

To alter and amend the charter of the City of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all acts and parts of acts, which establishes a Recorder's Court in the city of Mobile, and fixes a property qualification for voters for common councilmen, and which directs a registration of voters at municipal elections in the city of Mobile, be and the same are hereby repealed, and that the government of said city shall in future be entrusted to a mayor, aldermen, and common councilmen, who shall be chosen as hereinafter provided, and that all duties heretofore incumbent on the recorder's court, shall from and after the passage of this act, devolve upon the mayor of said city. Repealed
Duty of mayor or

Sec. 2. *And be it further enacted,* That no person shall be eligible to the office of mayor, alderman, or common councilman of said city, unless he be a citizen of the United States, and shall have resided within the city or county of Mobile, the twelve months next preceding the election. Every free white man of, or over the age of twenty one years, who is a citizen of the United States, and shall have resided one year in the city, and the last thirty days within the ward in which he proposes to vote, and who may have paid into the city treasury, a city tax within the last municipal year previous to said election, (unless exempted by law from such tax) shall be and is hereby empowered to vote for municipal officers of said city, and in all cases where this right is disputed, the vote of such individual shall be taken, on his making oath, that he is entitled thereto, subject however to the penalties of the law of this State for swearing falsely at elections. Qualification of voter for city officers

Sec. 3. *And be it further enacted,* That the mayor, aldermen and common councilmen for the ensuing year, shall be elected at the time now prescribed by law, and shall hold their offices until the first Monday in November, eighteen hundred and forty-two, at which time the municipal year shall commence, and elections for municipal officers shall be held therefrom, on the first Monday in November in each year; it shall be the duty of the marshal to give notice fifteen days before the first Monday in November, 1842, and in like manner every year thereafter, ordering an election of mayor, aldermen, and common councilmen; and the officers elected under this act, shall hold their offices until their successors shall be qualified. Time of election
Notice

City wards

Sec. 4. *And be it further enacted*, That on the first Monday in February next, an election shall be held at the courthouse, for five persons, who shall as soon thereafter as practicable lay off the city by streets and blocks into seven wards, as nearly equal as may be, and after they have completed it and numbered the different wards, they shall publish the same, describing particularly the limits of each ward, which shall be done within thirty days after said election; the present board of aldermen shall give ten days notice of said election, and appoint inspectors for the same.

Election of mayor

Sec. 5. *And be it further enacted*, That the mayor shall be elected by the qualified voters of the city of Mobile, and that all ordinances passed by the board of aldermen and common councilmen, shall be presented to the mayor for his approval and signature, and if he should approve and sign it, the same shall then become a law; if he should not, he shall return it with his objections to the body whence it emanated; and a vote of two thirds of each board shall then make it a law. The mayor shall not preside at either board, but shall from time to time recommend in writing, such measures as he shall deem expedient; it shall be his duty to see the laws of the city executed, and shall receive from the city treasury, a salary of three thousand dollars per annum for his services, which shall be paid quarter yearly, and the mayor's receipt or receipts for that amount, shall be a sufficient voucher for the treasurer in the settlements of his accounts.

His duty

Compensati'n

Election of Aldermen

Duty of board

Sec. 6. *And be it further enacted*. That the qualified voters of each ward, shall elect two aldermen, subject to the provisions for electing mayor, who, together shall form a board, and shall select one of their own body as a presiding officer; it shall be the duty of said board to convene once in each week, and shall pass all ordinances necessary for the government of the city of Mobile, and when any ordinance or resolution shall have passed said board, it shall then be placed before the board of common councilmen for their concurrence, and on its being returned with the approval of said board, it shall then be disposed of as the fifth section of this act provides.

Election of councillors

Sec. 7. *And be it further enacted*, That the qualified voters of the city of Mobile shall elect seven common councilmen, subject to the provisions for electing mayor, who shall constitute a board, and shall elect one of their own body to preside over them, which board shall assemble weekly, but not on the same day that the board of alderman convene; and the duties and powers of this board shall be co-equal with those of the board of aldermen in the passage of all ordinances and resolutions for the government of the city of Mobile.

Watchmen

Sec. 8. *And be it further enacted*, That the mayor shall from time to time appoint a sufficient number of watchmen to guard and protect the city, who shall be subject to his control in the discharge of their duties; and may at any time be removed

by him, when in his opinion the interest of the city may require it; the mayor of the city shall hold a court once in each day, for the adjustment of offences against the city.

Sec. 9. *And be it further enacted*, That no officer engaged in the service of the corporation of Mobile, except the tax collector, shall receive any perquisites from their offices, but all perquisites and forfeitures, in any manner arising under the ordinances of the city, shall when collected, be paid into the city treasury, and the treasurer shall keep a correct account of the amount received, and from what source derived. Perquisites

Sec. 10. *And be it further enacted*, That if the mayor or either of the aldermen or common councilmen, without leave of absence from both the boards, shall absent themselves from the city for more than one month, unless they shall be sick, the office of such delinquent shall be declared vacant, and if it be the mayor, the board of alderman shall order an election to fill such vacancy; and if it be an alderman or common councilman, the mayor shall order an election; ten days notice of such election shall be deemed sufficient. In the absence of the mayor, his duties shall be performed by one of the aldermen, or common councilmen. Vacancy by absence

Sec. 11. *And be it further enacted*, That at the time and place of electing a mayor of said city, and in the same manner prescribed, shall be elected a city marshal and clerk of the corporation, each of whom shall give bond with sufficient security, in such sum as may be determined by the board of Aldermen, and approved by the mayor; the city marshal and clerk shall hold their offices and be elected at the same time as hereinbefore provided, for the election of mayor, and the aforesaid marshal and clerk, shall each receive from the city treasury a salary of fifteen hundred dollars and no more, per annum, payable quarterly, and the receipts of the marshal and clerk, shall be sufficient vouchers for that amount in the settlement of accounts with the treasurer on the first Monday of November, 1842. The qualified voters, who are property owners, and subject to taxation, shall elect an assessor of taxes for the city, who shall hold his office for one year therefrom, and shall be annually elected at the time and place prescribed for the election of mayor; the duties of said assessor shall be determined by the boards of aldermen and common councilmen, who shall fix his salary and order the payment of the same, which shall not exceed seven hundred and fifty dollars per annum, who shall take an oath to act impartial in such assessment. Election of marshal and clerk
Compensation
Election of assessor

Sec. 12. *And be it further enacted*, That the marshal may appoint, by the consent of the mayor, one deputy, whose duties, together with those of the marshal, shall be under the control of the mayor; the board of aldermen shall fix the salary of the deputy marshal, and order the payment of the same; and upon good cause being shown, the said board shall be and are hereby empowered to remove both marshal and deputy from office, in Deputy marshal

which event, their places shall be again filled in the manner prescribed by this act.

Public faith,
how pledged

Sec. 13. *And be it further enacted*, That in no case shall the faith of the city be pledged for the payment of money, unless it be a vote of two thirds of both boards, and the sanction of the mayor of the city.

Invasion, &c

Sec. 14. *And be it further enacted*, That in case of invasion or insurrection, or when the peace and security of the city may require it in the opinion of the mayor, he shall have power and is hereby required to call out the volunteer companies of the city in its defence.

Tax collector

Proviso

Compensation

Sec. 15. *And be it further enacted*, That the board of aldermen shall elect a tax collector, a collector of the market, and an inspector of weights and measures, who shall also act as weigher of hay; the duties of these officers shall be defined by said board of aldermen, who shall fix their salaries, and order the payment of the same: *Provided however*, that they may allow the tax collector of the city, such a per cent on his collections in lieu of a fixed salary, if they deem it advisable; but he shall enter into bond and security, and shall take the oath to perform the duties under the requirements of the act of 1839-40.

Oath

Sec. 16. *And be it further enacted*, That the mayor, aldermen and common councilmen, and all other officers of the corporation of Mobile, before entering on the discharge of their duties, are hereby required to take the oath now prescribed by law.

Powers, &c

Proviso

Sec. 17. *And be it further enacted*, That if it shall appear that there are offices not provided for in the foregoing sections, which are deemed indispensable, the mayor and board of aldermen and common councilmen, may appoint the persons to fill the same, in such manner as they may deem proper, and shall fix their salaries, and order the payment thereof, from any moneys in the city treasury: *Provided*, that no officer be created under this section, except by a vote of two thirds of each board, and the concurrence of the mayor therein.

Repeal

Sec. 18. *And be it further enacted*, That the twenty-fifth section of the amended charter of the city of Mobile, passed at the session of 1839-40, be and the same is hereby repealed.

Baker's license repealed

Sec. 19. *And be it further enacted*, That so much of the charter of Mobile as authorizes the mayor and aldermen of said city to grant and require a licence to bakers of loaf and other bread in said city, be and the same is hereby repealed, and that hereafter a licence shall not be necessary for the privilege of baking loaf or other bread, nor shall bakers be required to have their bread of any certain weight.

License for retailing spirits

Sec. 20. *And be it further enacted*, That hereafter when any person procures a licence from said city for the purpose of retailing spirits, or for keeping a tavern or house of entertainment, and may have to remove the said business from the house, which is specified in his or her licence before the expiration of

the same, it shall be their duty to notify the mayor thereof; whereupon the said mayor shall cause the clerk of said corporation to make a transfer upon said licence, so as to enable the holder of the same, to enjoy the whole term for which it was obtained: *Provided*, that all applicants for licence shall be entitled to obtain the same, from the date of his or her application, or from the date of their compliance, and shall have paid the sum required by the corporation of Mobile, which sum shall not exceed two hundred dollars. Proviso

Sec. 21 *And be it further enacted*, That all laws and parts of laws contravening the provisions of this amended charter be, and the same are hereby repealed. Repeal

Approved, December 29, 1841.

No. 60.]

AN ACT

To incorporate the town of Crockettville, in the county of Russell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the town of Crockettville, in the county of Russell shall be, and hereby is incorporated in and under the name of the town of Crockettville, that the corporate limits of said town shall extend one half mile in every direction from the court house. Incorporated

Sec. 2. *And be it further enacted*, That James W. Hunter, John Segur, Henry Moffatt and William D. Hargrove, or a majority of them be, and they are hereby appointed commissioners for the organization of said town, whose duty it shall be to hold an election for five town commissioners for said town on the first Monday in March next. Election for commissioners

Sec. 3. *And be it further enacted*, That every free white person who resides in the limits of said town, over twenty-one years of age, shall be entitled to vote in said election for town commissioners, and that the five commissioners so elected, shall hold their office for twelve months, and elect from their own body an intendant, whose duty it shall be to preside over the meetings of said board. Voters

Sec. 4. *And be it further enacted*, That said commissioners shall have power to fill all vacancies, occasioned either by death or removal, and to elect a secretary for the recording of all proceedings of said meeting, and a town marshal, whose duty it shall be to execute all process issued by the said intendant. Vacancies

Sec. 5. *And be it further enacted*, That said commissioners shall have power to pass all laws and ordinances for the better regulation of said town, not repugnant to the laws and constitution of the State of Alabama, or the United States. By laws

Approved, December 30, 1841.

[No. 61.]

AN ACT

To repeal in part and amend an act, entitled an act to incorporate the Selma and Tennessee Railroad Company. Approved, December 22, 1836.

Repeal

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That so much of the eighteenth section of the above recited act as requires said company to complete five miles of said road within five years, and complete the whole within fifteen years from the passage of said act, be and the same is hereby repealed.

Forfeiture

Sec. 2. *And be it further enacted,* That said company shall complete ten miles of said road within five years, and complete the whole within twenty years from the passage of this act, or the same shall be forfeited.

Approved, December 10, 1841.

[No. 62.]

AN ACT

To amend the charter of the Alabama Life Insurance company of Mobile.

Trustees

Proviso

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the board of trustees shall consist of fifteen members, elected by the stockholders, one of whom shall be annually chosen President; each trustee shall be a citizen of the State of Alabama, and own at least on thousand dollars of the capital stock of said company; *Provided,* That any trustee ceasing to be the owner of that amount of stock, his seat shall be held vacant; and the board shall forthwith proceed to fill the same, by the election of another stockholder, who may possess the necessary qualification.

Term of service

Proviso

Sec. 2. *And be it further enacted,* That the board of trustees shall be divided into five classes, each class to consist of three persons, and so arranged that the term of service of the first class, shall expire at the end of one year; that of the second at the end of two years, that of the third at the end of three, that of the fourth at the end of four, and that of the fifth at the end of five years; the said classes to be divided by lot so that three trustees shall be annually elected by the stockholders of said company: *Provided,* That nothing in this section, shall preclude the re-eligibility of the President, so long as the stockholders may choose to elect him a trustee.

Repeal

Sec. 3. *And be it further enacted,* That all laws or parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, December 29, 1841.

[No. 63.]

AN ACT

To incorporate a manufacturing company at the Great falls of the Tallapoosa River, in the county of Tallapoosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Barent Duboise and his present and future associates are hereby declared and constituted a body corporate in fact and in name, by the name of "The Tallapoosa Manufacturing Company," at the Great Falls of the Tallapoosa River in the county of Tallapoosa. Body corpo-
rate
Name and
style

Sec. 2. *And be it further enacted,* That the Company hereby incorporated shall be capable of purchasing, holding and conveying lands, tenements, and hereditments, and property as well personal as real as may be necessary to carry all the objects of said corporation into full force and effect. Powers

Sec. 3. *And be it further enacted,* That the said company and their associates shall have power and be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered in all courts of Record and Judicature, having jurisdiction of the subject matter whatsoever, and also, of contracting and being contracted with relative to the business and purposes for which the said company is created; and the said corporation shall have a common seal, and may alter, destroy and renew the same at pleasure. Powers

Sec. 4. *And be it further enacted,* That subscriptions to the capital stock of said company shall be regulated by the said Barent Duboise and his associates, as to the time, place, when and where said subscriptions shall be taken, the amount to be paid on subscribing, and the time when the remaining portion shall be paid in, with full and complete power to regulate the whole matter, and to declare forfeitures under certain rules, when stockholders fail to comply; and to do all things that may be necessary to insure the punctual payment of the several instalments as they may become due: *Provided however,* That any rule or regulation adopted by the said Barent Duboise and associates, shall be general and operate upon all subscribers alike; and that each stockholder shall be liable in his, her or their private capacity for the amount of stock he, she or they may own in said corporation, and may be sued for the same: *Provided,* No stockholder shall be held liable in law or equity, for more than the amount of his, her or their stock, individually. Subscriptions
Proviso

Sec. 5. *And be it further enacted,* That so soon as the sum of thirty-five thousand dollars shall be subscribed, the said stockholders shall and they are hereby authorized to elect five trustees, who shall manage the property and concerns of the said incorporation, (one of whom shall be appointed President) by the other trustees, who shall be chosen annually on the Election of
Trustees

first Monday of January, at such place as the trustees for the time being shall direct; and a President shall be elected annually on the first Monday in January in each and every year in manner aforesaid; and the capital stock shall never exceed the sum of five hundred thousand dollars.

On failure to elect Sec. 6. *And be it further enacted*, That if an election of trustees should not be made on the day appointed in this act or on some other day, to which the stockholders may have altered the time, the corporation shall not for that cause be deemed and held to be dissolved; but it shall and may be lawful on any other (legal) day, to make and hold an election of trustees in such manner as shall have been regulated by the by laws and ordinances of said corporation.

Transfer of stock Sec. 7. *And be it further enacted*, That the stock of said corporation shall be assignable and transferable according to such rules and regulations as said trustees shall establish; and no stockholder indebted to said company, either for subscription of stock or otherwise, shall be permitted to make a transfer or receive a dividend until such debt be paid to the satisfaction of the trustees.

Books Sec. 8. *And be it further enacted*, That the book in which the registration of said stock and the transfers thereof shall be contained, shall be deposited in such house as the trustees shall provide in the county of Tallapoosa, subject to the inspection of all and every stockholder to examine whenever any of them may desire such examination.

Meetings, &c Sec. 9. *And be it further enacted*, That it shall be the duty of the trustees to call or appoint meetings and notify stockholders of the same, when required by the stockholders owning one fourth part of the stock; and no meeting shall be competent to transact business, unless persons owning collectively the majority of the stock shall be present in person or by proxy.

Powers of trustees Sec. 10. *And be it further enacted*, That the trustees for the time or a majority of them, shall form a quorum for the transaction of business, and shall have power to make all such by laws, rules and ordinances, as to them shall appear needful and proper, touching the management and disposition of the property, estate and effects of said corporation and all such matters as appertain to the concerns of the institution; and they shall have power and authority to appoint and employ all such officers and servants as they may think proper for the transaction of the business and concerns of said corporation, and to displace such officers and servants at pleasure.

Agent may be appointed Sec. 11. *And be it further enacted*, That the trustees for the time being, shall also have power and authority to appoint an agent to be approved by a majority of the stockholders or persons owning a major part of the stock, to act in their behalf for said corporation; and all contracts and agreements entered

into, for and on account of said corporation and signed by said agent shall be binding on said corporation in like manner, as if made and entered into by said trustees: *Provided however,* Proviso That the said trustees or their agent or the agent or agents on the part of the stockholders are hereby debarred from making or causing to be made, any contract binding said stockholders or corporation for a longer time than six months; and any contract made contrary to the aforesaid provision shall not be binding on said corporation; yet shall remain in full force against the said trustees or agents so making and executing.

Sec. 12. *And be it further enacted,* That the trustees shall at all times keep or cause to be kept proper books of accounts Books to be kept in which shall be regularly entered all the transactions of the corporation, and they shall also, keep a regular minute of all proceedings at the meeting of the said trustees, and of the stockholders, which books shall be subject at all times to examination by the persons owning stock.

Sec. 13. *And be it further enacted,* That the said trustees shall make semi-annual dividends of so much of the profits of Profits the said company, as they may think proper and cause the same to be paid to the stockholders.

Sec. 14. *And be it further enacted,* That this corporation shall not have the privilege to exercise banking powers or to exercise any other powers not necessary and proper to carry the foregoing granted powers into full execution, according to the meaning and true intent of the establishment of the institution and corporation. Any law or laws contravening the provisions of this act, be and the same are hereby repealed. Banking powers prohibited

Approved, December 31, 1841.

[No. 64.]

AN ACT

To incorporate the La Fayette Artillery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the La Fayette Artillery in the county of Dallas. be and the same are hereby declared to be a body politic Body corporate and corporate by the name and style of the La Fayette Artillery; are hereby exempt from working on roads so long as they Name and style continue members of said company: *Provided,* That they shall muster at least six times in each year, and be subject to Provisos Regimental and Battalion musters: *Provided further,* That the exemptions in this section shall not apply to the citizens of Perry County.

Sec. 2. *And be it further enacted,* That the said La Fayette Artillery are hereby authorised to adopt such by laws for By-laws their own government as they may deem expedient: *Provid-* Proviso *ed,* such by laws shall not conflict with the Constitution and Laws of this State, or of the United States, which shall be obligatory on the members of said company until repealed.

Number of
company

Provisos

Sec. 3. *And be it further enacted*, That said Company shall consist of not less than thirty, nor more than one hundred members, and shall not be under any other power of patrol but such persons as may be appointed Captain of patrol, by the company officers of said company, under such regulations as they may adopt in their by laws: *Provided*, That such regulations, do not conflict with the patrol laws of this state: *Provided*, That the members of said company shall perform patrol duty as often as any other citizens are required: *And provided further*, That this charter shall only continue for ten years.

Limits, &c

Provisos

Sec. 4. *And be it further enacted*, That any person residing within fifteen miles of Valley Creek Academy, whether they reside in the county of Dallas or Perry, may become members of said company: *Provided*, That no beat company shall be reduced to a less number than that now required by law, by the formation of this company: *And provided also*, That this charter shall at all times be subject to be repealed or modified by the General Assembly.

Approved, December 31, 1841.

[No. 65]

AN ACT

To incorporate the "Howard College" in Marion, Perry county.

Body corpo-
rate

Name and
style

By laws

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That E. D. King, H. C. Lea, O. G. Eiland, Jas M. Massey, Wm. N. Wyatt, Walker Reynolds, D. P. Bestor, Ovid C. Eiland, Wm. C. Crane, Wm. P. Chilton, James H. DeVotie, Edward Baptist, Robt. J. Ware, L. Y. Tarrant and Langston Goree, and their successors in office, be, and they are hereby constituted a body corporate by the name and style of the trustees of the Howard College; and by that name shall have full power and authority to have and to use a common seal, and the same to break, alter and renew at pleasure; to sue and be sued, plead and be impleaded, in all kinds of actions in law or equity, to receive donations and to purchase property, both real and personal, in value not exceeding two hundred thousand dollars; which shall enure to them and their successors forever; and to sell, alien and dispose of the same, and to pass all such by-laws; rules and regulations as the said corporation may deem expedient for the good government of the said institution and of their own proceedings; the same not being repugnant to the constitution and laws of the United States or of this State.

Sec. 2. *And be it further enacted*, That seven trustees shall constitute a quorum for the transaction of business, and shall have power to appoint a president, a secretary and a treasurer

and such other officers as may be deemed necessary for said institution, and to prescribe the duties of each; to fill all vacancies that may occur in the board of trustees, from death or resignation; to appoint all necessary committees, and to act and do all things whatever, in as ample a manner as any person or body politic or corporate can or may do by law, in conformity with the objects of this act.

Sec. 3. *And be it further enacted*, That there shall be a stated meeting of the board of trustees in each year, at the time of conferring degrees, and that the President of said board of trustees shall have full power to call an occasional meeting of the board whenever it shall appear to him necessary. Meetings, &c

Sec. 4. *And be it further enacted*, That the head of the institution shall be styled the President, and the instructors thereof the professors; and the president and professors or a majority of them, the faculty of Howard College, which faculty shall have the power of enforcing the ordinances and by laws adopted by the trustees for the government of the students, by rewarding or censuring them, and finally by suspending them until a determination of the board of trustees can be had, but it shall be only in the power of the trustees to expell any student or students of the said institute. Style and powers of trustees

Sec. 5. *And be it further enacted*. That the trustees at their stated meetings, shall have full power by the principal or professors of the said institution, to grant or confer such degree or degrees in the arts and sciences, to any of the students of said institution or any person by them thought worthy, as are usually granted and conferred in other colleges or universities, in the United States, and to give diplomas or certificates thereof signed by them, and sealed with the common seal of the trustees of the said institution, to authenticate and perpetuate the memory of such graduation. To confer degrees

Sec. 6. *And be it further enacted*, That the trustees shall have the power of fixing the salaries of all the officers connected with the said institution and of removing them for neglect, incompetency or misconduct in office, a majority of the whole number of trustees concurring in said removal. Salaries.

Sec. 7. *And be it further enacted*, That the said trustees shall have power to define the rates of tuition, and the same to increase or diminish at pleasure; to appoint the time of their own meetings, and to determine the place at which said institution shall be located; which shall be in Marion, Perry County. Tuition

Sec. 8. *And be it further enacted*, That so long as the property, real and personal of said corporation shall be used for purposes of education, the same be exempt from taxation of any kind. Exempt from taxes

Approved, December 29, 1841.

(No. 66)

AN ACT

To change the time of holding the county court of Tallapoosa county.

Time chang-
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the county court of Tallapoosa, shall be holden on the first Monday in March and first Monday in September, in each and every year, and not on the first Mondays in May and November, and that all processes issued and returnable to any other time shall be holden as returnable to the terms of said court, as prescribed in this act, and all laws contravening the provisions of this act be and the same are hereby repealed.

Approved, December 28, 1841.

[No. 67.]

AN ACT

To incorporate the Burnt Corn Male Academy in the county of Conecuh.

Name and
style

Body corpo-
rate and poli-
tic

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That a Male Academy be and the same is hereby incorporated in the county of Conecuh, to be styled and known in law, as the Burnt Corn Male Academy, and that John Watkins, John Green, John Marshall, J. J. Roach, T. S. Roach J B. Clansel, Ithrel Lee, Hanson Lee, John R. Hawthorne, Caleb Lindsay, William E. Ellis, William Cunningham, Annanias Godbold, Eli Atkinson, and Isaac Betts, and their successors in office be and they are hereby declared a body politic and corporate, by the name and style of the Burnt Corn Male Academy; and as such shall be capable in law or equity to sue and be sued, and plead and be impleaded, and shall be authorized to make such by laws and regulations as shall be deemed necessary and expedient for the good government of said Academy, and for that purpose may have and use a common seal, and alter the same; appoint such officers as they may deem proper, and remove the same for improper conduct or neglect of duty: *Provided*, Such by laws and regulations as are herein authorized to be made, be not repugnant to the laws and constitution of this State and of the United States.

Powers

Proviso

Sec. 2. *And be it further enacted*, That the said body corporate is hereby impowered to accept of and be invested with property, real and personal or mixed, also all donations, gifts, grants and immunities, which may be made or granted to said body corporate, or which may be hereafter conveyed or transferred to them or their successors in office, to have and to hold the same for the proper use, benefit and behoof of said Academy: *Provided*, The same shall not exceed in value forty thousand dollars.

Sec 3. *And be it further enacted,* That when any vacancy shall occur by death, resignation or otherwise, of any of the trustees of said Academy, the survivors or residue of said trustees shall fill the same in such manner as shall be pointed out by the laws and regulations of said incorporation. Vacancies

Sec. 4. *And be it further enacted,* That all property owned by the said trustees in their aforesaid corporate capacity shall be vested in said body corporate in perpetuity for the use of said Academy. Property vested in trustees.

Approved, December 31, 1841.

[No. 68.]

AN ACT

To incorporate the Midway Academy in the county of Macon.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an Academy be and the same is hereby incorporated, in the county of Macon, to be styled the Midway Male Academy, and that Francis M. London, John H. Colquitt, John M. Bordres, P. K. McCrary and Thomas G. Gordon and their successors in office, be and they are hereby declared a body politic and corporate, by the name and style of the Midway Male Academy, and as such shall be capable and liable, in law or in equity to sue and be sued, plead and be impleaded, and shall be authorized to be make such by laws and regulations as shall be necessary for the government of said Academy: *Provided*, such by laws are not repugnant to the laws and constitution of this State, and of the United States, and for that purpose may have and use a common seal, and appoint such officers as they may think proper, and remove the same for improper conduct or neglect of duty. Style
Body corpo-
rate
Proviso

Sec. 2. *And be it further enacted,* That said trustees or body corporate shall be privileged to accept of and be invested with all manner of property, either real, personal or mixed, also all donations, gifts, grants privileges, and immunities whatsoever, which may hereafter be made or granted to said institution, or which may hereafter be conveyed or transferred to them or their successors in office, to have and to hold the same for the use, benefit and behoof of said institution: *Provided*, That the same shall not exceed twelve thousand dollars. Powers

Sec. 3. *And be it further enacted,* That whenever any vacancy may occur, by death, resignation or otherwise, of any of the trustees of said Academy, the survivors or residue of said trustees, shall fill the same in such manner as shall be pointed out by the by laws and regulations of said incorporation. Vacancies

Sec. 4. *And be it further enacted,* That all property owned by said trustees, in their aforesaid corporate capacity shall be vested with such body corporate in perpetuity for the use of said Academy; and shall be and is hereby declared free from taxation. Property, &c

Approved, December 21, 1841.

[No. 69.]

AN ACT

To extend and change the time of holding the Spring term of the circuit court of certain counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter the Spring term of the circuit court of the county of Tallapoosa, shall commence on the first Monday after the fourth Monday in March in each and every year, and continue in session two weeks; the Spring terms of the circuit courts of the county of Chambers, shall commence on the third Monday after the fourth Monday in March, and continue in session two weeks; that the Spring term of the circuit court of the county of Russell, shall commence on the fifth Monday after the fourth Monday in March, and continue in session two weeks; that the Spring term of the circuit court of the county of Macon, shall commence on the seventh Monday after the fourth Monday in March, and continue session until the business is disposed of.

Sec. 2. *And be it further enacted,* That all writs and process of any character whatsoever, made returnable to any other terms of said courts, be and the same are hereby made returnable to the terms established by this act.

Sec. 3. *And be it further enacted,* That all laws and parts of laws contrary to the meaning and intention of this act, be and the same are hereby repealed.

Approved, December 31, 1841.

(No. 70.)

AN ACT

To extend the next term of the circuit court of Greene county to eighteen judicial days.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the next term of the circuit court of the county of Greene, shall commence on the last Monday in February and May next, and shall continue in session eighteen judicial days, and that all causes and motions heretofore continued over in said court to the next term, be and the same are hereby declared to be continued to the term hereby fixed; and that all writs and process heretofore or hereafter issued returnable to the next term of the circuit court of said county shall be returnable to the term hereby established.

Approved, December 31, 1841.

[No. 71.]

AN ACT

To change the time of holding the county court of Lauderdale county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the county court of Lauderdale county in said **Lauderdale** State commence and be holden, hereafter on and from the fourth Monday in January and July in each and every year, and that all process be made returnable accordingly.

Sec. 2. *And be it further enacted,* That all suits, and other process now returnable in said court, on the fourth Monday in **May** next, shall be held to be returnable and be returned in said court on the third Monday in February next; which is hereby **Process** made and constituted the day on and from which the next term of said court shall be holden, instead of the fourth Monday of January next; and shall be subject to all such proceedings thereon, as if returned in terms on said last named day, and none other; and that all parties in any and all suits, depending in said court, and witnesses, who have been summoned to attend in said court on the fourth Monday in May next, be held and bound to appear and answer, and to prosecute, and give testimony at said next special term of said court, on the third Monday in February next herein provided; all laws to the contrary notwithstanding.

Approved, December 31, 1841.

(No. 72.)

AN ACT

To incorporate the town of Dadeville, in Tallapoosa county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, that the **Dadeville** town of Dadeville, in Tallapoosa county, be and the same is hereby **incorporated** constituted and established a body corporate, by the name and style of the Dadeville incorporation, and by that name may sue and be sued, plead and be impleaded; and the said incorporation is hereby empowered and authorized to own property to the amount of five thousand dollars for the use and benefit of the said incorporation.

Sec. 2. *And be it further enacted,* That the Dadeville incorporation shall extend in limit only to one square mile, the courthouse of Tallapoosa county, in the town of Dadeville being in the **Limits** centre of the incorporate limits.

Sec. 3. *And be it further enacted,* That the said incorporation shall be entitled to one intendant, who shall preside at the **Intendant** several meetings of the members of said incorporation hereinafter mentioned, to wit: there shall be four persons who shall be styled and known as councillors of the Dadeville incorporation,

Elections

and the said intendant and councillors shall be elected by the qualified voters residing within the limits of said incorporation; and if any free white male has resided within the corporate limits for the space of thirty days immediately preceeding any election for intendant and four councillors, he shall be a qualified voter for intendant and four councillors within the meaning of this act.

Intendant
and council-
lors

Sec. 4. *And be it further enacted*, That it shall be the duty of one justice of the peace, and two free holders to hold an election on the first Monday in May next, for one intendant and four councillors, who shall reside within the limits of said incorporation, and the said election shall be governed by the same rules, laws and regulations not herein otherwise expressed in the holding of the same, as other elections for justices of the peace, and when it is declared by the superintendant of said election who are duly elected, each member or councillor and the intendant shall take and subscribe an oath to discharge their duties faithfully and impartially to the best of their judgment and ability; which oath shall be by the intendant, spread upon a docket to be kept by him, and the said intendant and council composed as aforesaid, shall meet as often as a majority of them shall think proper and necessary, and at the first meetings of the said intendant and council or councillors or a majority of them, they shall proceed to pass such by-laws, as shall by them be deemed necessary and proper for the peace, safety, good order, happiness and prosperity of the said incorporation: *Provided*, such by-laws do not conflict with the laws of the State.

Offences
against by-
laws, &c

Sec. 5. *And be it further enacted*, That the intendant is hereby authorized on the oath or information of any credible person, to issue his summons for any person or persons committing any offence against the by-laws of the said incorporation, requiring such offender or offenders to appear before him the said intendant and the council aforesaid instanter, to answer to the complaint of the Dadeville incorporation, against the said defendant or defendants or offender or offenders, and if any person or persons shall fail or refuse to appear before the intendant and council according to the mandate of his summons, the said intendant shall proceed to enter up a judgment for a fine, according to the breach of the laws of the said incorporation, and execution may issue thereon instanter if the defendant or defendants do not appear and defend, and in all cases where judgment is entered up by the said intendant against any offender or offenders, for a breach or a violation of the by-laws of the said incorporation, or any breach of any one of the by-laws as aforesaid, execution shall and may issue instanter, against any and every and all persons against whom judgment is entered up as aforesaid, and if the execution shall be returned no property, a *capias ad satisfaciendum* may issue forthwith against the body of any defendant or defendants offender or offender, wherein

the Dadeville incorporation is a party plaintiff, and any person arrested under a *ca sa*. shall not be released, unless he will make and subscribe an affidavit before the intendant, that he, defendant or party arrested, has not money of his own in his own power or possession, or in the possession of any other person, and that he has not property real or personal of the value of the fine or judgment entered up against him as aforesaid, sufficient to pay off the judgment, but if any person or persons shall take and subscribe the oath aforesaid, he or they shall be forthwith released, and discharged from custody but not from the judgment.

Sec. 6. *And be it further enacted*, That it shall be the duty of the intendant and councillors, within five days after their first election and qualification to meet and elect an officer, who shall be styled the marshal of the Dadeville incorporation, and it shall be the duty of the marshal to give bond and security in the penalty of five hundred dollars to be approved by the intendant, conditioned for the faithful performance of his duty as long as he shall continue to act as such marshal, and it shall be the duty of the said marshal to execute all process, summons, or subpoenas, execution, *capias ad satisfaciendum* to him directed by the intendant according to the command thereof.

Marshal to
give bond

Sec. 7. *And be it further enacted*, That the said intendant and councillors shall hold their office during the term of one year from the time of their election, and there shall be an election held on the first Monday in May in each and every year after the first election for intendant and four councillors of the Dadeville incorporation as the first election shall be holden, and qualified in the same way each and every year.

Term of of-
fice of inten-
dant, &c

Sec. 8. *And be it further enacted*, That the said intendant shall not enter any fine or judgment for the breach of any of the by-laws of the said incorporation for a larger sum than ten dollars, nor under two dollars; and the said intendant shall be allowed the same cost for issuing process and entering judgment; and in all cases the said intendant's costs in each and every case shall correspond and be equal to the costs of the justices of the peace for issuing process of a similar nature, and the marshal shall be entitled to the same fees for his services as constables are now allowed by law for serving process.

Fees

Sec. 9. *And be it further enacted*, That all persons residing within the Dadeville incorporation, shall be exempt from working and doing road duty, out of the corporate limits as aforesaid, and prescribed in this act; and the said by-laws of the Dadeville incorporation, shall not take effect till the expiration of twenty days after the intendant and council shall adopt and prescribe them, reduce them to writing and post them up in some public place in the said corporate limits; and the intendant shall keep a docket in which he shall record all the by-laws of force in the corporate limits, when adopted and posted up to public view.

By-laws, &c

Sec. 10. *And be it further enacted*, That the said intendant and councillors shall have power to levy a corporate tax necessa-

Taxes

ry to the reparation of any public street, well, or any other public expense, which is necessary and proper for the good of the corporation, but no capitation tax shall be levied over fifty cents per head, and no tax shall be levied to exceed five cents on every hundred dollars worth of property or money; and the taxes shall be collected by the marshall and paid over to the intendant, who shall keep a correct account of the amount, and be responsible at all times for the amount, whensoever a majority of the councillors may deem it necessary to appropriate any of the corporate funds in the hands of the intendant for the good and prosperity, safety and welfare of the incorporation.

Powers

Sec. 11. *And be it further enacted*, That the Dadeville incorporation is hereby endowed with all the privileges, immunities in general which are incident to such incorporations, and shall have and use a common seal, and renew and abolish the same at pleasure; and all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, December 21, 1841.

[No. 73.]

AN ACT

To compel the Judges of the County Courts of the counties of Franklin and Wilcox to reside at or within three miles of the court house.

Franklin
Wilcox

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judges of the county courts of the counties of Franklin and Wilcox hereafter to be elected, shall reside at or within three miles of the court house of said counties, and if they or either of them shall fail or refuse to comply with the requisitions of this act within sixty days after their election, the office shall be considered vacated, and on the county clerk of said county giving notice thereof to the Governor, he shall fill such vacancy as he is now required to fill vacancies in said office, any law, usage or custom to the contrary notwithstanding.

Approved, December 23, 1841.

[No. 74.]

AN ACT

To authorize the Tax Collector of Jackson county to receive Juror certificates and State claims that have become a county charge in payment of taxes due said County.

Jackson

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the tax collector of Jackson county shall be, and he is hereby authorized to receive for taxes due said county, juror's certificates, and State claims that have become a county charge, or have or may be issued by the clerk of the circuit or county courts of said

county without regard to their registration on the books of the county treasurer of said county, and such certificates and State claims shall be received and accredited to the holders thereof in lieu of money for one half the amount of said tax as may be assessed and due said county, any law to the contrary notwithstanding.

Approved, December 29, 1841.

[No. 75.]

AN ACT

For the relief of certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums of money for the benefit of the following named persons, be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated, for attending as witnesses for and against John E. Clancy, Judge of the County Court of Walker county, touching an investigation into the official misconduct of said Clancy, and that the Comptroller of public accounts be, and he is hereby authorized to draw his warrant upon the treasury for the same, to Joseph Easley, a witness, fifteen dollars, John Burton, a witness To whom appropriated fifteen dollars, James Kitchens, a witness, fifteen dollars, Abso- lum Barton, a witness, fifteen dollars, Eldridge Mallard, a witness, fifteen dollars, Robert S. Johnson, a witness, fifteen dollars, George McDonald, nine dollars and fifty cents, Jonathan Evans, a witness fifteen dollars, and the sum of fifty-two dollars be allowed H. P. Douthitt for service rendered during said investigation as sergeant at arms, and also as clerk to said committee of investigation.

Approved, December 29, 1841.

[No. 76.]

AN ACT

In relation to Causeways in the County of Wilcox.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the provisions of the third section of an act, entitled an act to repeal in part an act entitled an act to amend and consolidate the laws on the subject of public roads, so far as relates to causeways, be and the same is hereby extended, and made applicable, to the county of Wilcox, any law or usage to the contrary notwithstanding.

Approved, December 23, 1841.

[No. 77.]

AN ACT

To incorporate the Medical Society of the City of Mobile, and for other purposes,

Name and
style

Powers

To examine
applicants

To keep re-
cord

Admission

Physicians to
record license

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Solomon Mordecai, John H. Woodcock, Henry S. Levert, Josiah C. Nott, and their associates and successors of the Mobile Medical Society of the city of Mobile, be and are hereby constituted a body corporate, under the name and style of the Mobile Medical Society; and by that name and style may sue and be sued, plead and be impleaded, have, hold, possess, enjoy, sell and purchase lands, tenements, goods and chattles; and may adopt such a constitution and by-laws for the government of the said Society, as may not conflict with this act, or with the constitution and laws of the State of Alabama.

Sec. 2. *And be it further enacted,* That the said corporation shall appoint annually, five members of the said Society to examine all applicants for license to practice medicine in the county of Mobile, and who shall perform the same duties that are required by the existing laws of the Medical Boards in this State, and shall have the same powers.

Sec. 3. *And be it further enacted,* That the said corporation shall keep a record book, in which shall be entered copies of all the licenses that shall be issued by the said Board; and that no person shall be permitted to practice medicine for fee or reward, or to receive compensation for attending as a physician in the county of Mobile, unless a license shall have been granted by the said Medical Board to such person, and upon such evidence of qualification as in the judgment of said Board shall entitle him to such license.

Sec. 4. *And be it further enacted,* That any licensed physician in the county of Mobile shall be entitled to admission into the said Medical Society upon complying with the constitution and by-laws, prescribing the terms of admission, unless two-thirds of the whole Society shall object to such admission.

Sec. 5. *And be it further enacted,* That all physicians who have been licensed heretofore, or who shall hereafter be licensed by any Medical Board to practice Medicine in this State, and who shall come to reside in the county of Mobile, may, within six months from the passage of this act, or from the time of their settlement in said county, cause to be recorded in the record book of said Society, the license or Diploma under which their said profession is pursued; and if any physician shall fail to do so, he shall not be permitted to recover for any services as a physician that he may render after the passage of this act, until he shall have complied with this section of this act.

Sec. 6. *And be it further enacted*, That the said Society shall be required to carry into effect, such ordinances as the corporation of the city of Mobile may adopt in regard to it—
 to organize a Board of Health, and procure necessary information and advice upon the subject of the health of the city, and the precautionary measures necessary to preserve the same. Board of Health

Sec. 7. *And be it further enacted*, That this act shall remain in force ten years from its passage, and may be altered, modified or repealed during that time.

Sec. 8. *And be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed, so far as they conflict with the same: *Provided, however*, this act shall in no wise affect or alter the rights of those who may choose to practice the botanical system under the restrictions now prescribed by law. Repeal, &c
Proviso

Approved, December 21, 1841.

[No. 75.]

AN ACT

To incorporate the Town of Clayton, Barbour county, Ala.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the town of Clayton, in the county of Barbour, be, and the same is hereby incorporated; and the bounds of said corporation shall be as follows: extending a quarter of a mile from the court house each way, and to extend on the street running north as far as will include the residence of James Clarke. Body corporate

Sec. 2. *And be it further enacted*, That an election shall be held at the court house on the first Monday in March, and annually thereafter, the polls to be opened at twelve o'clock in the evening for the purpose of electing by ballot five councillors, inhabitants of said town, who shall serve for one year from the time they shall be elected. The first election shall be managed by John Ledbetter, Noah Wheeler and Alfred Elmore; and all subsequent elections shall be managed by two of the councillors, to be appointed by the intendant for that purpose; and the said councillors shall, on the next day after each election in each year, by a majority of the votes of their own body, elect one of the said councillors as intendant, whose duty it shall be to preside and keep order at all meetings of said councillors; and in his absence, any other member may be called to the chair. And the said intendant and council shall be, and they are hereby constituted a body corporate, by the name and style of the Intendant and Council of the town of Clayton, and by that name they and their successors in office shall be capable in law of suing and being sued, of pleading Election of councillors
Name and style

and being impleaded, in all manner of suits either in law or equity; also to have and keep a common seal, and the same to break, alter or amend at pleasure; and in general to do all acts which are incident to bodies corporate; and to purchase, hold and dispose of, for the benefit of said town, real, personal or mixed property, to the amount of five thousand dollars.

Powers

Sec. 3. *And be it further enacted*, That the said corporation shall have power to pass by-laws and ordinances, necessary to preserve the health of said town, to prevent and remove nuisances, to establish patrols, to clear and keep in repair the streets and alleys of said town, in general to pass such by-laws, not contrary to the constitution and laws of this State, as the said corporation from time to time shall deem expedient, to carry into effect the intent and meaning of this act, and the same to put into execution, to revoke and alter as the the said corporation shall deem expedient.

To appoint officers

Sec. 4. *And be it further enacted*, That the said corporation shall have power to appoint a treasurer, assessor and collector, and constable and such other subordinate officers as they may think necessary, requiring all officers so appointed to give bond and security for the faithful discharge of their several duties, and before they enter on the duties of their office require them and each of them to take an oath to support the constitution and laws of this State, and also the laws and ordinances of the corporation of the town of Clayton.

Compensation of officers &c.

Sec. 5. *And be it further enacted*, That it shall be lawful for the said corporation to annex such fees to the several officers as they may deem necessary and proper, and to impose such fines and forfeitures on each of said officers for misfeasance, malfeasance and non-feasance in office, at their discretion, not exceeding twenty dollars; they are also empowered to ordain such penalty for a breach of any of their by-laws and ordinances, as they may think proper, not exceeding five dollars; and all fines by them imposed, shall be recovered before the intendant, or in his absence, before either one of the council, who is hereby authorized to issue process and give judgment and issue execution in all cases in which the said corporation is concerned—that in all cases for a breach of any of the by-laws and ordinances of said corporation, that the said intendant, or one of the council in his absence, shall proceed forthwith to issue his warrant, give judgment and award execution thereon, all on the same day.

Elections

Sec. 6. *And be it further enacted*, That should the elections not be held as provided in the second section on the day therein pointed out, the said corporation shall not thereby loose its charter—that an election held at any time thereafter, by the persons, or a majority of them, named in said second section, giving ten days' notice of the same, shall be as valid as if holden on the day mentioned.

Sec. 7. *And be it further enacted,* That should a vacancy occur by death, removal or other cause in the board of councillors, such vacancy shall be filled by the board, and the member or members so appointed, shall remain in office until the next annual election. Vacancies

Sec. 8. *And be it further enacted,* That the said intendant and council shall appoint a clerk, whose duty it shall be to keep a fair record of their proceedings, and to publish all laws and ordinances passed by them, at the court house immediately after their passage. Clerk

Sec. 9. *And be it further enacted* That the intendant and councillors, and their successors in office, shall, before they enter on the duties of their office, take an oath before some person duly authorized to administer the same, that they will discharge the duties to them committed faithfully and impartially. Oath

Sec. 10. *And be it further enacted,* That the said intendant and council is hereby authorized to levy and collect a tax from the citizens of said town, not exceeding one per cent. on real estate; a poll tax, not exceeding one dollar on all male persons who have resided in said town one month previous to the first Monday in March in each year; a tax on slaves, not exceeding one dollar for all slaves over ten years of age and under sixty; each store, not exceeding five dollars; each tavern not exceeding five dollars; each retailer of spirituous liquors, one-fourth of the county tax; on each lawyer and doctor, three dollars each; and not exceeding the State tax, on all other subjects of taxation owned by the citizens of said town. Taxes

Sec. 11. *And be it further enacted,* That all white male persons above the age of twenty-one years, who shall have resided in the limits of said town thirty days before and immediately preceding an election, and all freeholders shall be entitled to vote for councillors. Voters

Sec. 12. *And be it further enacted,* That all the citizens of the said town of Clayton, are hereby exempt from working on any public road in said county, or in opening any new road therein, any law to the contrary notwithstanding. Roads, &c

Sec. 13. *And be it further enacted,* That the constable elected by the intendant and council, shall have full power and authority to transact all business that may come to his hands, under the same liabilities and restrictions that all constables are subject to; and for all defaults and liabilities, shall be proceeded against as is now declared by law against constables. Constables

Approved, December 21, 1841.

[No. 79.]

AN ACT

To amend an Act therein named.

Randolph

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an act to change the time of holding the County Court of the county of Randolph, approved second December, one thousand eight hundred and forty-one, is hereby so amended, as to make it lawful for the said Courts to be held only on the fourth Mondays in January and July of each year, and to continue in session one week, if necessary.

Approved, December 23, 1841.

[No. 80.]

AN ACT

To authorize William N. Thompson and his associates, to build Mills on the Coosa River.

Mills

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William N. Thompson and his associates, be authorized to erect Mills and other water works, adjoining his own lands on the Coosa River, (so as not to obstruct the navigation of said river,) in Township 21, Range 1 and 2, and in Township 22, Range 2, east; any law to the contrary notwithstanding.

Approved, December 29, 1841.

(No. 81.)

AN ACT

To Restrain Excessive Taxation for County Purposes, in the County of Tallapoosa.

Taxes

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall not be lawful for the Commissioners Court of Roads and Revenue of the county of Tallapoosa, to lay or impose a tax for county purposes, on any species of property, estate, person or thing subject to taxation, for the year of our Lord eighteen hundred and forty-two, to exceed one-half the tax levied and imposed by said Commissioner's Court of Roads and Revenue, on each item, for county purposes, for the year of our Lord eighteen hundred and forty-one.

Collector

Sec. 2. *And be it further enacted,* That the Tax Collector of Tallapoosa county, shall not be required to collect a tax for the county of Tallapoosa, for county purposes, in the year of our Lord eighteen hundred and forty-two, to exceed the amount specified in the first section of this act; and all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, December 29, 1841.

[No. 82.]

AN ACT,

Compensating Losses occasioned by pressing a horse in the Creek service.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of two hundred and twenty-five dollars, out of any moneys in the Treasury, not otherwise appropriated, be appropriated to paying Buford and Johnson, the assignees of William G. Fryer, for a horse pressed under State authority by Buford and Johnson. John N. McRae, for the Creek service, and for interest on the judgment and costs incurred in prosecuting said McRae to insolvency.

Approved, December 25, 1841.

[No. 83]

AN ACT

In relation to the 16th Section in Township 10, of Range 5; also, 16th Section, Township 11, Range 11, in the county of Wilcox.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Cashier of the Bank of the State of Alabama, be instructed to transmit and deposite in the Branch Bank at Mobile, the notes given for the purchase money of the Sixteenth Section in Township 10, Range 5; and also, the Sixteenth Section of Township 11, Range 11, in the county of Wilcox, subject to the same rules and regulations as if placed in the State Bank at Tuscaloosa; any law or usage to the contrary notwithstanding.

Approved, December 25, 1841.

(No. 84.)

AN ACT

To fix permanently the time for the Trial of all offences against the State, in the County of Wilcox.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the second Monday of each and every term of the Circuit Court, held for the county of Wilcox, shall be and the same is hereby set apart and fixed for the commencement for the trial of all causes of a criminal nature, or offences against the State, and the said circuit court shall continue from day to day thereafter, until all the State's business is disposed of. State cases

Sec. 2. *And be it further enacted,* That the Clerk of the said circuit court is hereby authorized and required to summons Clerk all witnesses in State cases, to the second Monday of each and every term of said court, any law or usage to the contrary notwithstanding.

Approved, December 25, 1841.

[No. 85]

AN ACT

To revive and continue in force an Act to Levy a Special Tax for the County of Morgan : Approved 9th January, 1841.

Revived

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the above recited act be and the same is hereby revived and continued in force, for and during the year eighteen hundred and forty-two.

Approved, Decemler 29, 1841.

[No. 86.]

AN ACT

To Incorporate the Town of Warrenton in the County of Marshall.

Limits

Body corpo-
rateName and
style

Powers

Election

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the corporate limits of the Town of Warrenton in the county of Marshall, shall extend a quarter of a mile each way from the store house of John B. Findley, in the said town, the lines to run parallel to the lines of the section of land on which the said town is situated, and to be designated and known by the name of the town of Warrenton, and the inhabitants residing within the limits of said town as hereby established, shall be and they are hereby constituted a body corporate and politic; and who shall on the first Monday in March next, and on the first Monday in March in each and every year thereafter, elect by ballot an Intendant and five Councillors, resident land or house-holders in said town, who shall be designated and known by the name and style of the Intendant and Council of the Town of Warrenton, and by their said corporate name and style, they and their successors in office may sue and be sued, plead and be impleaded, either in law or in equity, and may purchase, have, hold, receive, enjoy and retain in perpetuity, or for a term of years, any estate, real or personal, not exceeding in value ten thousand dollars, and to sell, lease, or otherwise dispose of the same, for the benefit of the said town, also, may have and keep a common seal, and the same to break, alter and amend at pleasure; and in general to do all acts which are, or may be, incident to bodies corporate.

Sec. 2. *And be it further enacted,* That the first election for Intendant and Councillors, shall be conducted by Charles Kennedy, John B. Findley and James Childress, or any two of them; and all subsequent elections shall be conducted by any three citizens of said town whom the said Intendant and Councillors may appoint, and the said managers of elections shall give at least ten days notice, by advertising the same in two of the most public places in said town; the polls to be kept open from 10 o'clock, A. M., and closed at the hour of 4 o'clock, P. M., at each election; and the said Intendant and Councillors, before entering

on the duties of their office, shall take and subscribe the following oath, before the Judge of the county court, or any justice of the peace for said county, viz: "I do solemnly swear, or affirm, Oath (as the case may be,) that I will well and truly, and to the best of my knowledge and ability, execute and discharge the duties of Intendant, (for the Intendant,) Councillors, (for Councillors,) for the town of Warrenton, without fear, favor, or partiality, so help me God."

Sec. 3. *And be it further enacted*, That any elector of said town, who is of the age of twenty-one years, or upwards, shall be eligible either to the office of Intendant or Councillor, and should the said Intendant remove from the said town, or be absent therefrom for three months at any one time, without the consent of the councillors, his office shall be vacated; and should any councillor, or councillors, remove from the said town, or be absent therefrom for three months at any one time, without the consent of the Intendant and the other Councillors, his or their office shall be vacated; and it shall be the duty of the remaining part of the board forthwith to supply the vacancy, or vacancies, so occurring.

Election of
councillors

Sec. 4. *And be it further enacted*, That in the event of any vacancy occurring in the office of intendant, either by death, resignation, or otherwise, the councillors shall choose one of their body Intendant pro tempore, who shall continue in office as Intendant until the next succeeding annual election; and further, if any vacancy shall happen in the body of councillors, by death, resignation or otherwise, then and in that case it shall be the duty of the Intendant to appoint managers to hold an election to fill such vacancy, or vacancies, who shall after giving five days previous notice, proceed to open the polls for such election, and after the same it shall be their duty to make known to the successful candidate his election.

Vacancies

Sec. 5. *And be it further enacted*, That all white free male citizens of the age of twenty-one years and upwards, who shall have resided within the limits of said town three months immediately preceding an election for Intendant and councillors, or either of them, and all house-holders and free-holders therein, who shall have resided within the limits of said town one month previous to said election, shall be deemed qualified voters at said election for such Intendant and councillors, or either of them.

Voters

Sec. 6. *And be it further enacted*, That the Intendant and Councillors, or a majority of them, shall have power to adjourn their meetings from time to time: *Provided*, that the Intendant may at any time call a meeting of the councillors, by a written notice designating the time and place of meeting, and on application of any two or more councillors, the Intendant shall call a meeting in like manner. They shall keep a journal of all their proceedings, and record all their official acts and doings, and the yeas and nays on any question or subject, shall be taken and

Meetings, &c

recorded at the request of any member of the board, and all deliberations of said Intendant and councillors shall be public.

By-laws

Powers, &c

Proviso

Officers to be appointed

Proviso

Intendant

Taxes to be levied

Sec. 7. *And be it further enacted*, That the said Intendant and councillors shall have authority to enact such ordinances and by-laws as they may deem necessary for the good order and government of the said town of Warrenton; to prevent and remove nuisances of every description, and which may extend to the preservation of health; to establish patrols or town guards, to erect lamps, to regulate the paving or flagging, guttering and railing the side-walks, to protect by adequate penalties the shade and ornamental trees in said town, to provide for the licensing and regulating such retailers of liquors as they may believe the interest of the said town may require: *Provided*, such person or persons as they may see fit to license, shall have first obtained a license from the county court; to license, tax and restrain theatrical amusements, shows and museums of all kinds whatsoever, within the limits of said corporation; to clear and keep in repair the streets of said town; to restrain and prohibit all nightly and disorderly meetings of slaves, free negroes, or mulattoes, and all and other disorderly persons; and to pass such ordinances and by-laws, not contrary to the constitution of this State and the laws thereof, as the said Intendant and council shall from time to time deem expedient and necessary to carry into effect the meaning and effect of this act, and the same to alter and amend as they may deem expedient. The said Intendant and council shall appoint a clerk, a treasurer, an assessor and collector, and marshal, and require such security for the faithful discharge of their several duties, as may be deemed adequate. The said Intendant and Council are hereby empowered to impose appropriate fines, penalties and forfeitures, for the breach of their ordinances and by laws, not to exceed fifty dollars for each offence, recoverable with cost in the name of the Intendant and Council of the town of Warrenton, for the use of the town, before the Intendant thereof, for which suit may be commenced by warrant returnable forthwith: *Provided*, that all ordinances and by-laws shall be subject to repeal by the Legislature of this State; and that nothing herein contained shall be so construed as to prevent appeals to the circuit and county courts, in the same manner and under the same rules and regulations as appeals are taken from the decisions of justices of the peace.

Sec. 8. *And be it further enacted*, That the Intendant of said town shall, ex-officio, be a justice of the peace within the limits of the same.

Sec. 9. *And be it further enacted*, That the said intendant and council shall have power to levy and collect a tax, not exceeding twenty-five cents on every hundred dollars worth, when the lots are improved with a house, or houses, and enclosure, and not exceeding one dollar on every hundred dollars worth when the lots are not improved with a house, or houses, and enclosures; and not exceeding fifty cents on every hundred dollars

worth of stock in trade, and all personal property kept within the limits of the town of Warrenton: *Provided*, the tax on real and personal estate be laid in proportion to the value thereof, according to an assessment thereof, and valuation given by the owner or owners, or his, her, or their agent, or by the assessor appointed by the Intendant and Council, and should any person think his or her property assessed too high, he or she shall have a right to complain to the Intendant and Council, who shall consider and reduce said assessment, if in their opinion it has been placed too high by said assessor, and their decision shall be final.

Sec. 10. *And be it further enacted*, That the said Intendant and Council of the town of Warrenton, shall appoint an overseer, or overseers, of the streets of the said town, and shall require and regulate the working on the same, not exceeding ten days in each year, and may exempt, at their discretion, from working on the same, all persons they may think proper; and all persons living within the corporation, liable by law to work on roads and highways, by paying an additional poll tax, not exceeding five dollars per head on each one so liable to work, for the use of the said town, shall be exempt from working on the same.

Approved, November 23, 1841.

[No. 87.]

AN ACT

To Incorporate the Washington Monroe Male and Female Academy, at Poryearville, Monroe County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That a male and female academy be and the same is hereby incorporated in the county of Monroe, to be styled and known in law as the Washington Monroe Male and Female Academy, and that J. R. Hawthorne, Ithiel Lee, Richard R. Moseley, Samuel Henderson, J. B. Malden, Joshua Hawthorne, George Watson, Osborn Edwards, S. S. Andress, Samuel Dubose, William Cunningham, Eli Adkinson, William Robinson, Adam Arthur, John J. Roache, A. B. Cooper, Thomas Gaillard, John Gaillard, Asa Parker, Hickman Fowler, Bennet McMillian, James Henderson, William B. Crook, F. H. Farrar, Alexander B. Poryear, J. Boothe, Thomas B. Clausel, Caleb Lindsey, John Fox, John G. Wallis, J. M. Hawthorne, Richard H. Poryear, Fielding Strawn, B. P. Box, Isaac Betts, John Lindsey, M. P. Stalsworth, J. J. Stalsworth, J. B. Clausel, John McWilliams, Edward Lett, Thomas S. Roache, Annias Godbold, Stephen R. Andrews and John R. Watson, and their successors in office, be and they are hereby declared a body politic and corporate, by the name and style of the Washington Monroe Male and Female Academy, and as such shall be capable, in law or equity, to sue

By laws and be sued, plead and be impleaded, and shall be authorized to make such by-laws and regulations, as shall be deemed necessary and expedient for the good government of said academy, and for that purpose may have and use a common seal, and alter the same; appoint such officers as they may deem proper, and remove the same for improper conduct or neglect of duty: *Provided*, such by-laws and regulations as are herein authorized to be made, be not repugnant to the laws and constitution of this State and of the United States.

Property Sec. 2. *And be it further enacted*, That the said body corporate is hereby empowered to accept of and be invested with property, real and personal, also all donations, gifts, grants, immunities, which may be made, or granted, to said body corporate, or which may be hereafter conveyed or transferred to them or their successors in office, to have and to hold the same for the proper use, benefit and behoof of said academy: *Provided*, the same shall not exceed in value fifty thousand dollars.

Vacancy Sec. 3. *And be it further enacted*, That when any vacancy shall occur by death, resignation, or otherwise, of any of the trustees of said academy, the survivors or residue of said trustees, shall fill the same in such manner as shall be pointed out by the laws and regulations of said incorporation.

Trustees Sec. 4. *And be it further enacted*, That all property owned by the said trustees in their aforesaid corporate capacity, shall be vested in said body corporate, in perpetuity, for the use of said academy.

Approved, December 29, 1841.

[No. 88.]

AN ACT

To Incorporate the Mobile Hook and Ladder Company No. 1, and Fire Companies Nos. 3, 6 and 7, of the City of Mobile.

Body corporate Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Shannon, Isaiah F. King, Isaac B. Collins, Philip Dougherty, and their associates, be and they are hereby incorporated by the name and style of the Mobile Hook and Ladder Company No. 1," and that William J. Faires, John C. Ayres, E. A. Taber, and their associates, be and they are hereby incorporated by the name and style of Franklin Fire Company No. 3, of the city of Mobile;" that Charles J. Shreve, James Elder, John Cotchett, and their associates, be and they are hereby incorporated by the name and style of "The Phoenix Fire Company No. 6;" that Frederick J. Charters, William J. Piers, Josiah J. Brown, and their associates, be and they are hereby incorporated by the name and style of "Mechanics Fire Company No. 7, of the city of Mobile;" and by their respective names and styles the aforesaid companies are hereby authorized

and empowered to sue and be sued, to plead and be impleaded, to have, hold, occupy, possess and enjoy, each and severally, goods and chattels, lands and tenements, of the value of twenty thousand dollars, each company to adopt a common seal, and the same to alter and renew at pleasure, and each company to make such by-laws, rules and regulations, for the proper organization and good government of the said companies respectively, not inconsistent with the constitution and laws of the United States and of the State of Alabama, and the provisions of this act of incorporation, as they may deem proper.

Sec. 2. *And be it further enacted*, That the Hook and Ladder Company No. 1, shall consist of not more than one hundred active members; shall keep in efficient order a sufficient number of ladders, ropes, hooks, chains, axes, and such other apparatus as they may require for service at fires; and one or more good and substantial wagons, or trucks, for the carriage of apparatus.

Hook and
Ladder Com.
No. 1.

Sec. 3. *And be it further enacted*, That the Franklin Fire Company No. 3. shall consist of sixty-five members and no more; that the Phoenix Fire Company No. 6, shall consist of eighty members and no more; that "The Mechanics Fire Company No. 7," shall consist of seventy-five members and no more. That each of the aforesaid companies shall be required to keep in good order one fire engine, with the apparatus necessary, and shall be subject to the same government and control that any other fire companies in the city of Mobile are now subject, by any previous act of the Legislature, for the incorporation of the same; and that when either company shall have ready for service two fire machines, with apparatus, the number of members of such company may be extended to one hundred and no more.

No. 3.

No. 6.

No. 7.

Sec. 4. *And be it further enacted*, That the members of all the companies designated in the first section of this act, shall be exempt and are hereby exempted from militia duty, road tax, performance of jury duty, as grand or petit jurors in the circuit or county courts of Mobile county, so long as they continue to perform the duties of firemen under this act; and that any member who shall have served five consecutive years in any fire company in Mobile, without an intermission of over three months, or who shall have been disabled in the performance of duty as such, shall be constituted an "exempt fireman," and as such entitled to all the privileges and immunities of active members of the companies.

Exempt from
militia duty,
&c.

Sec. 5. *And be it further enacted*, That whenever either of the above companies shall habitually neglect the performance of their duty as firemen, or violate the provisions of this charter, it shall be the duty of the solicitor of the tenth judicial circuit, to cause a *seire facias* to be issued, calling upon such company to show cause why their charter should not be declared forfeited; which writ shall be made returnable to the circuit court of Mobile

Charter. how
forfeited

county, and if such company shall be found guilty of such habitual neglect, the said court shall declare their charter to be forfeited.

New companies

Sec. 6. *And be it further enacted*, That when any fire company, or companies, now or hereafter to be organized in the city of Mobile, shall have complied with the requisitions of the third section of this act, and shall have reported to the Mayor and Aldermen of the city, and chief engineer, or head of the fire department, and been accepted and approved by them, *their* certificate to that effect shall entitle said company, or companies, to all the benefits, and subject them to all the liabilities, of this act of incorporation.

To make return to sheriff

Sec. 7. *Be it further enacted*, That in order to enable each and all of the several fire companies of the city of Mobile, to enjoy the full benefit of all the acts passed in their favor, the foreman of each company shall, quarter yearly, hand into the Mayor's office and to the Sheriff of the county of Mobile, a true statement of the names and number of each company, on oath; and it shall be the duty of the clerk of the city, to file the same in his office; and it shall be the duty of the sheriff to prevent the said names from being placed in any of the jury boxes of said county.

Approved, December, 9, 1841.

[No. 89.]

AN ACT

To change the mode of appointing Apportioners within the County of Walker.

Apportioners, how constituted

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the captains in the several precincts within the said county of Walker, together with the several justices of the peace within the different captain's beats within said county, shall constitute the apportioners and supervisors of the public roads within their respective beats.

Duties

Sec. 2. *And be it further enacted*, That the said captain, together with the said justices of the peace, or any two or more of them, shall on or before the first Monday in April, after the passage of this act, and from time to time thereafter, as now required by law, proceed to apportion the lands within their several beats to the overseer, or overseers, whose road or precinct may be nearest them, having at all times a due regard in such apportionment, to the grade, distance and amount of labor that may be required on each of the said overseer's precincts.

Sec. 3. *And be it further enacted*, That the said apportionment so made as aforesaid, shall continue until otherwise altered or changed by the persons authorized to make such apportionment.

Sec. 4. *And be it further enacted*, That the said captains, together with the said justices of the peace, shall constitute the apportioners of the public roads, within the said county of Walker, and shall be required to perform all the duties, and be subject to all the penalties, as now required by law of other apportioners: *Provided*, that whenever any captain's beat in said county, shall have neither a captain or justice, or justices of the peace, (either of whom in such case is hereby authorized and empowered to act, and make the necessary apportionment,) then and in that case the apportioners shall be appointed in the same manner as now provided by law: *And provided further*, that the said apportioners which may be appointed in any beat where there is no captain or justice of the peace, shall not thereby be exempted from the working of the roads, but shall be liable in the same manner as other persons: *And provided further*, that the said apportioners shall not be compelled to work more than five days in any one year.

Liability

Provide

Provide

Provide

Sec. 5. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, so far as relates to the said county of Walker, be and the same is hereby repealed.

Repeal

Approved, December 10, 1841.

[No. 20.]

AN ACT

To require the Sheriff of the County of Perry to Sell all Property Levied on by him in that portion of said county east of the Cahaba River, at the Town of Perryville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter whenever the Sheriff of Perry County shall levy an execution upon any land which lies east of the Cahaba river in said county, or upon any personal property which is replevied, or for which a forthcoming bond or delivery bond, may have been given, requiring the property delivered as now required by law, it shall be the duty of the said Sheriff, on the request in writing, in due time, by the defendant in execution, (his agent or attorney,) to sell said property at Perryville, in said county, always giving due notice of such sale at Perryville: *Provided*, such property, by consent of the party aforesaid, may be sold at either place, Perryville or Marion, as now required by law, under the same rules and regulations as now exist: *And provided further*, that said sales shall take place at Perryville, on the second Mondays in each and every month; any law, or parts of a law, so far as it conflicts therewith, is hereby repealed.

Property.

where sold

Provide

Provide

Approved, December 28, 1841.

[No. 91.]

AN ACT

To Appoint Commissioners to Build a Jail in the County of Shelby, and for other purposes.

Commission-
ers

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Edmund King, Jacob Perry, Abner J. Wells, John W. Roper, Bryant Rushing, William Thweatt and Webb Kidd, be and they are hereby appointed commissioners; who, or a majority of whom, shall have power to contract for, direct and superintend the building of a Jail in the town of Columbiana, Shelby county, of such description and dimensions as they may, with the approbation of the judge and commissioners of roads and revenue for said county, agree upon.

Vacancies

Oath

Sec. 2. *And be it further enacted,* That in case of the death, resignation, or refusal to act, of either of the said commissioners, it shall be the duty of the judge of said county court, forthwith to fill such vacancy by appointment. And the commissioners acting under this act, before entering upon the duties herein specified, shall take and subscribe an oath before said Judge, or some Justice of the Peace, and file the same in the county court clerk's office of said county: "That they will faithfully and impartially discharge the duties of commissioners for building a jail for Shelby county, for the best interest of said county." And the said commissioners shall each receive two dollars per day during the time they may be engaged in performing the duties required by this act, to be paid out of the money collected under the same; and give bond with approved security, payable to the judge of the county court and his successors in office, in the sum of one thousand dollars, conditioned that they will faithfully perform the duties of their appointment.

Public notice
to be given

Sec. 3. *And be it further enacted,* That the said commissioners shall let out the contract to the lowest bidder, after having given thirty days notice by public advertisement on the courthouse door in said county and in a newspaper published in Wetumpka; which notice shall specify the kind of jail required; the materials of which to be built, together with the time and amount of payment; which shall in no wise exceed one-third part annually; and they shall take of the undertaker, or undertakers, bond with approved security, payable to them as commissioners of Shelby county, in double the sum for which the building of said jail may be undertaken; conditioned for the faithful performance of the work undertaken, according to the plan adopted by the commissioners, and the time prescribed in said bond.

Tax

Sec. 4. *And be it further enacted,* That the judge of said county court and commissioners of roads and revenue for said county, be and they are hereby authorized and empowered, and it shall be their special duty, to levy a special tax on the persons and property of the citizens of said county, subject to taxation,

sufficient to defray all the expenses that may be incurred under this act, which said tax shall be levied by said court, one-third part annually, at the first court holden in each year after the first day of January next.

Sec. 5. *And be it further enacted*, That the tax authorized to be levied by the fourth section of this act, shall be assessed and collected at the same time and in the same manner, by the assessor and tax collector of said county, that the State and other county taxes may be assessed and collected, and it shall be the duty of said assessor and collector, to pay the same over to the said commissioners annually, at the time he may be required to pay to the county treasurer the other county tax; and that he be allowed as compensation therefor, the same as is now allowed by law. Tax, how collected

Approved, December 29, 1841.

No. 92.]

AN ACT

To extend the time for Collecting the County, School and Road Tax, in the County of Mobile, for the year 1841, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Sheriff of Mobile county be allowed until the first Monday in February next, to pay into the treasury of said county, all money that may be due or coming to the same, by reason of the said taxes. Time extend.

Sec. 2. *And be it further enacted*, That it shall be lawful for the sheriff of said county, to proceed at any time before said first Monday of February next, to make distress and sale for taxes, for the present year, in said county, under the same rules and regulations that are now provided by law for the collection of taxes. Collection

Sec. 3. *And be it further enacted*, That the tax collector for Mobile county, for the year 1842, and thereafter, shall be allowed until the first Monday in January in each succeeding year, to make payment, of the county, school, and road tax, of said county, any law to the contrary notwithstanding. Tax collector

Approved, December 10, 1841.

(No. 93.)

AN ACT

To designate the line between the fifteenth and eighty-eighth Regiments of Alabama Militia in the County of Jefferson.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the line between the fifteenth and eighty-eighth regiments of Alabama militia, in the county of Jefferson, shall be as follows, to wit: commencing at Baylis E. Grace's on the Montevallo road; Line

Liable

thence along said road to the saw mill on the Shade creek, owned by Carroll & Killough; thence up the road leading to the Mountain Springs, owned by Colonel M. Kelly, so as to include the improvements at said Springs in the fifteenth Regiment.

Repeal

Sec. 2. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, December 23, 1841.

[No. 94.]

AN ACT

To provide for the Election of a Tax Collector for the County of Marshall.

Election of
Tax collector

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be the duty of the sheriff of Marshall county on the first Monday of March next, after, having duly advertised the same at each election precinct within said county for at least thirty days previous thereto, to hold an election for the office of tax collector for said county, under the same rules, regulations and restrictions as are now provided for by law for the election of members of the Legislature.

Duty of,

Sec. 2. *And be it further enacted*, That it shall be the duty of the said sheriff to hold an election for the same officer on the first Monday in August in each and every year thereafter; whose duty it shall be to collect and pay over to the proper officers the taxes which may be assessed for the year next following his election; and that it shall be the duty of the tax collector, to be elected as is provided for by the first section of this act, to assess and collect the taxes of said county for the year one thousand eight hundred and forty-two.

Bond

Sec. 3. *And be it further enacted*, That it shall be the duty of the tax collector so to be elected, to assess as well as to collect and pay over the taxes of said county; and that before they enter upon the discharge of their said duties, each of them shall enter into bond with approved security to the Judge of the County Court of said county and his successors in office, conditioned for the faithful performance of his duty, in the sum of five thousand dollars.

Compensation

Sec. 4. *And be it further enacted*, That as a compensation for the services of said tax collector, it shall be lawful for the Judge of the County Court and Commissioners of Roads and Revenue of said county, and they are hereby empowered to allow him any sum which they may think proper.

Repeal

Sec. 5. *And be it further enacted*, That all laws authorizing and requiring the sheriff of Marshall county to assess and collect the tax of said county, be and the same are hereby repealed.

Approved, December 2, 1841.

(No. 95.)

AN ACT

To fix and permanently establish the boundaries of the forty-eighth and eighty-ninth Regiments of Alabama Militia, in the City and County of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the incorporate limits of the city of Mobile ^{Limits} shall be and are hereby declared to be the limits of the forty-eighth regiment of Alabama militia; and that the residue of the county of Mobile, not within the corporate limits of the city, shall constitute the eighty-ninth regiment of said militia: *Provided,* That nothing contained in this act, shall be construed as interfering in any manner with the residence of any of the present field officers of either regiment. ^{Provide}

Sec. 2. *And be it further enacted,* That in all further elections, no person shall be eligible to hold a commission in either regiment, unless he resides at the time of said election within the limits thereof: *Provided,* that a temporary summer residence beyond them, shall not be deemed a disqualification. ^{Eligibility.}

Sec. 3. *And be it further enacted,* That the commanding officer of each regiment shall order a court martial to convene on the first Monday in February next within their respective commands; and it shall be the duty of said court to re-organize the limits of each company beat, so as not to exceed in number ten companies to each regiment, any law to the contrary notwithstanding. ^{Court martial}

Sec. 4. *And be it further enacted,* That all commissioned officers of the forty-eighth regiment now holding a commission as captain, or lieutenant, or ensign, shall not loose his commission by removing to any other part of the city; but shall not be eligible to an election in any beat, not being the beat of his residence, to wit: he shall be a citizen of the beat he desires to be elected in, all laws to the contrary notwithstanding. ^{Officers}

Approved, December 14, 1841.

(No. 96.)

AN ACT

To compensate the Commissioners of Roads and Revenue in the Counties of Dale, Wilcox, Chambers and Barbour, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the officers composing the Court of Roads and Revenue in the counties of Dale, Wilcox, Chambers and Barbour, shall each receive the sum of two dollars for each day they may be required to attend said Commissioners' Court, to be paid out of the ^{Compensation}

county treasury on the certificate of the clerk of the County Court, stating the number of days said officers have actually served; and it shall be the duty of the county treasurer of said county to pay the amount so certified, out of any money in the treasury not otherwise appropriated.

Liability

Sec. 2. *And be it further enacted*, That if any one of said Commissioners shall hereafter refuse or neglect to attend any Commissioners' Court appointed by law in said county, not having a sufficient excuse therefor, to be adjudged by a majority of said Court, to be heard and determined at their succeeding Court after such default, shall severally pay a fine of five dollars; which fine, when collected, shall be paid into the county treasury for county purposes: and it shall be the duty of said Court to enter judgment and issue execution for all fines which may be incurred under this act.

Approved, December 14, 1841.

Witness

[No. 97.]

AN ACT

To run and mark out the Line between the Counties of Shelby and Jefferson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Joel Cross, of the county of Shelby, and Hugh Copeland, of the county of Jefferson, be and they are hereby appointed commissioners to employ some skilful surveyor, and suitable chain carriers and markers, to run and mark out the line between the counties of Shelby and Jefferson, as established by an act approved January fifteenth, one thousand eight hundred and thirty-one.

Surveyor to be employed

Sec. 2: *And be it further enacted*, That said Commissioners shall meet at the house of William Gilbert on the first day of March next, one thousand eight hundred and forty-two, or so soon thereafter as practicable, and select such person as to them may seem suitable as surveyor, and also such other persons as may seem suitable as chain carriers and marker, whose duty it shall be to proceed (immediately) to run and mark out said line.

How selected

Sec. 3. *And be it further enacted*, That it shall be the duty of the said surveyor to make out two reports of said line, so run and marked out, and transmit one to the Commissioners' Court of Shelby county, and the other to the Commissioners' Court of Jefferson county, to be entered of record in the said Commissioners' Courts respectively, at their first regular session thereafter.

To make reports

Sec. 4. *And be it further enacted*, That the Commissioners' Courts aforesaid, shall each make an order for compensation to said surveyor, chain carriers and marker, of one half of what to them may seem reasonable, to be paid of any moneys in the county treasury not otherwise appropriated.

Sec. 5. *And be it further enacted*, That the improvements at the Mountain Springs, (belonging to colonel Kelly,) on the ^{Limits} line between said counties, shall hereafter be included in, and constitute a portion of the county of Jefferson.

Approved, December 2, 1841.

[No. 98.]

AN ACT

To declare Bear Creek a Public Highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Bear creek, from its mouth to where it intersects the Alabama river in the county of Baldwin, through which said creek runs, is hereby declared a public highway. <sup>Public high-
way</sup>

Sec. 2. *And be it further enacted*, That if any person shall obstruct the navigation of said creek, by building bridges or in any way, such person or persons shall forfeit and pay the sum of one thousand dollars, one half to the State, the other half to the person who may sue for the same, recoverable before any Court of law having jurisdiction of the same; and shall also forfeit and pay all damages which any person or persons may sustain by reason of such obstructions; and all such obstructions may be removed by order of the County Court of the county of Baldwin as a nuisance. <sup>Penalty for
obstructing</sup>

Sec. 3. *And be it further enacted*, That this act shall not be so construed as to interfere with any bridge already erected on said creek.

Approved, December 2, 1841.

[No. 99.]

AN ACT

To amend an Act therein named, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act entitled an act authorizing the Judge of the County Court and Commissioners of Roads and Revenue to assess and collect a tax to defray county claims in the county of Randolph, approved November the twenty-fifth, one thousand eight hundred and forty, is hereby so amended, that the taxes assessed and collected in said county shall not hereafter exceed one hundred per cent. on the taxes specified in an act to raise a revenue for the support of government, until otherwise altered by law, approved January the tenth, one thousand eight hundred thirty-five. <sup>Tax to be
assessed</sup>

Treasurer

Sec. 2. *And be it further enacted*, That the County Treasurer of said county shall hereafter lay a statement of the debts of said county before the County Court Judge and Commissioners of Roads and Revenue at their first meeting in each year.

Approved, December 23, 1841.

[No. 100.]

AN ACT

To ascertain and fix a suitable site for the permanent location of the Court-house in Covington county, and for other purposes.

Sheriff to hold
an election

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be the duty of the sheriff of Covington county to cause to be holden an election in each captain's beat in said county on the first Monday in May next, for the purpose of electing one court house commissioner therein, which election shall in all respects be governed as the general elections of this State; and none but qualified voters residing in said beat, shall be eligible to vote thereat; and said sheriff shall give ten days notice of the time and place of holding said election by advertisement, posted at the muster ground in each beat, specifying therein, that an election is to be held for the purpose of electing a court house commissioner in and for said beat; and said sheriff shall appoint two discreet persons in each beat; to superintend and manage said elections, whose duty it shall be to certify the result thereof to said sheriff at the court house within two days thereafter; and said sheriff on ascertaining the result of said election, shall notify the persons so elected of the same, and that it is required of them by the first day of June thereafter, collectively to make a selection of a suitable site or sites for the permanent location of the court house in said county.

Oath to be
taken

Sec. 2. *And be it further enacted*, That it shall be the duty of the said commissioners on the receipt of said notice, and before entering upon the discharge of their said duty before some justice of the peace to take an oath, well and truly to perform all the duty required of them by this act impartially, and to the best of their ability without favour or affection; and said commissioners after being elected and qualified as aforesaid, shall proceed to make a suitable selection or selections as the case may be, not exceeding five, having due regard to health and other public convenience, which selections shall be upon some land to which a fee simple title can be obtained, not exceeding forty acres, which they are hereby authorized to receive by purchase, donation or otherwise, which shall belong exclusively to said county, with all the profits arising therefrom, to be applied to the building a court house thereon and other public buildings,

Place to be
selected

which duty they shall perform and make report thereof in writing to the sheriff of said county, on or before the first day of June thereafter, with a particular description thereof.

Sec. 3. *And be it further enacted*, That it shall be the duty of said sheriff, on the receipt of said notice, to advertise the same, at all the election precincts in said county, for at least thirty days prior to the next general election, giving a suitable description of the selections so made, and that one of them is to be elected at said election as the permanent county site for the county of Covington, and shall cause a poll to be opened, and an account to be taken of all the votes given in said county at said election on the subject of a court house. Sheriff to advertise

Sec. 4. *And be it further enacted*, That it shall be the duty of the managers of elections at the several precincts in said county at the next general election, to cause all persons voting at said election and who may wish to vote on the subject of a court house, to enter upon their ticket or vote, the particular site, which they prefer as a county site; and none but eligible voters shall be allowed to vote at said election; and it shall be the duty of the managers at said election to keep a particular account of all the votes given at each precinct on the subject of a court house, and carefully certify the same to the sheriff of said county, with the other election returns, whose duty it shall be on receipt thereof, to compare them, and the site receiving the greatest number of votes, said sheriff shall declare to be the permanent county site for Covington county: *Provided however*, if two or more places should receive an equal number of votes, and the greatest number, said sheriff shall cause a new election to be holden, conducted in all respects as before mentioned, on giving twenty days notice thereof; and the places which received the greatest number of votes at the previous election, shall again be put in nomination, and the place then receiving the greatest number of votes, shall be declared to be the permanent county site, and said sheriff shall notify said commissioners accordingly. Election, how conducted
Proviso

Sec. 5. *And be it further enacted*, That it shall be the duty of said commissioners on receiving due information of the site so elected, to proceed forthwith to the erection of a suitable court house thereon, upon a plan or specification by them to be prescribed, and by letting the work out to be done to the lowest responsible undertaker, taking bond with approved security for the faithful execution of the work to be done, and within the time specified; the cost of which shall not exceed one thousand dollars, but may be as much under that amount as the commissioners may think proper; which expense shall in all respects be chargeable upon the county of Covington. Court house to be erected

Sec. 6. *And be it further enacted*, That said commissioners shall receive as compensation for their services in the performance of their duty, such allowance as may be made them by Compensation

the commissioners' court of roads and revenue in said county; Tax to be levied and said court is hereby authorized from time to time to levy a suitable tax on the citizens of said county, to defray all such expenses as shall be incurred under this act; and it shall be the duty of the county treasurer of said county to pay to the order of said commissioners any money in his hands not otherwise appropriated, in carrying out the provisions of this act; and should a vacancy occur at any time in the board of commissioners, elected under this act, it shall be the duty of the sheriff to advertise and hold a new election in the beat in which such vacancy occurred; and the person elected shall qualify as aforesaid and constitute one of the board, and be legally authorized to act as such.

Sec. 7. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, November 23, 1841.

[No. 101.]

AN ACT

To change the time of holding the winter Term of the County Court of Butler County.

Time changed

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the winter term of the County Court of Butler county be hereafter held on Tuesday after the first Monday in February in each and every year, instead of the time now prescribed by law, and may continue in session until the business is disposed of.

Process

Sec. 2. *And be it further enacted*, That all process now issued, or which may hereafter be issued, returnable to the first Monday in February of said court, be and the same are hereby made returnable to the Tuesday after the first Monday in February next.

Approved, November 23, 1841.

No. 102.]

AN ACT

To authorize the Circuit Court of Butler County to remain in session two weeks at its March Term, 1842.

Time extended

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the next term of the Circuit Court of Butler county, beginning on the first Monday in March, 1842, be and the same is hereby authorized to remain in session twelve judicial days if necessary.

Jurors

Sec. 2. *And be it further enacted*, That a jury of twenty-four men be, and the same is hereby required to be drawn and summoned for the second week of said term, in the same manner that all jurors are now required to be drawn and summoned by law.

Approved, November 23, 1841.

[No. 103.]

AN ACT

To appoint Commissioners to superintend the Sale of Lots in the town of Warrenton in the county of Marshall, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William C. Thomas, William Calway, Peter Ragland, John Wilcher, Isham H. Fennell, John B. Findley and Philip D. Clack, and their successors, be and they are hereby Commissioners appointed and constituted a Board of Commissioners for the county seat of Marshall county, a majority of whom shall be competent to transact business, and they may choose out of their own Their powers body a chairman, secretary and treasurer, and pass such rules and by-laws, not repugnant to the constitution and laws of this State, for their government, as they may from time to time deem fit.

Sec. 2. *And be it further enacted,* That the said commissioners shall, so soon as they are qualified and their board organized as directed in the preceding section of this act, immediately call upon the county surveyor of the county of Marshall and direct him to lay off said town into lots, according to such plan as they or a majority of them shall agree upon, and the said commissioners are hereby directed, so soon as their board may be organized, to advertise the lots in said town for sale, in some newspaper published in the town of Huntsville, and give at least thirty days notice of the time and the terms of sale, which shall be held at the door of the post office in said town. and the said commissioners are hereby empowered to sell, from time to time, such number of lots in said town, after due notice of the time, terms and place of sale, as herein before required, as they, or a majority of them, may deem proper for the interest of the county: *Provided,* they shall in no case give a longer credit than three years.

Duty

Sec. 3. *And be it further enacted,* That the moneys arising from the sale of the lots in the said town, shall be appropriated Money how ap-
propriated exclusively to the building of a good and sufficient courthouse and jail for said county, under the direction of the judge and commissioners of roads and revenue.

Sec. 4. *And be it further enacted,* That the treasurer of said board of commissioners shall, within ten days after the said board is organized, enter into bond with good and sufficient security, for the faithful discharge of his duty as treasurer, and made payable to the judge of the county court of said county, and his successors in office, which bond when approved by the said judge, shall be filed in the office of the clerk of the county court, subject to be proceeded upon in case of default, as the bonds of defaulting county treasurers are.

Bond

Sec. 5. *And be it further enacted,* That the said board of commissioners shall, at the succeeding term of the commissioners Settlement re-
quired. court for said county, next ensuing the sale of lots, make a fair, full, true and perfect account and settlement of all matters and things that may be done and transacted by said commissioners up to that time with the commissioners court aforesaid, and of

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moneys by them had and received, paid out, disbursed and expended, &c. which said settlement shall be recorded in the office of the clerk of the county court, and a like settlement shall be made every six months thereafter, until the lots of the said town are disposed of and accounted for.

Custody of money Sec. 6. *And be it further enacted*, That all moneys coming into the hands of the treasurer of the said board of commissioners, arising from the sales of the lots in the said town, shall remain in his possession, and subject only to be checked out by the judge and commissioners of the said county court, for the purposes expressed in the third section of this act, and until the courthouse and jail for said county are completed; after which time the said treasurer shall, after final settlement with said judge and commissioners, pay over to the county treasurer of said county, without delay, whatever money may be remaining in his hands, and take therefor said treasurer's receipt, which receipt shall be a good and sufficient indemnity to said treasurer.

Titles Sec. 7. *And be it further enacted*, That said board of commissioners shall, so soon as they are authorized and empowered by law, and the terms of the sales of the lots of said county seat are complied with, make to the purchaser of any lot a good and sufficient title to the same; and said commissioners are hereby authorized and required to do and perform any act or acts, thing or things, that may be required, or necessary, under the laws of congress or of this State, to be done, to enable them to make titles as aforesaid.

Oath Sec. 8. *And be it further enacted*, That each commissioner appointed by or under the authority of this act, shall, before entering upon the duties of his said appointment, take and subscribe to the following oath, to-wit: "I, A. B., do solemnly swear (or affirm) that I will truly do and perform all the duties of a commissioner as required by law, so long as I remain one, to the best of my skill and ability. So help me God."—Which oath to be taken and subscribed before the judge of the county court of said county, after being made a matter of record in the office of the clerk of said court, shall be filed in the said clerk's office, and be by him preserved as other official papers are.

Title of county seat. Sec. 10. *And be it further enacted*, That the commissioners aforesaid are hereby authorized and required to acquire titles to the lands upon which the county seat is situated, not exceeding one quarter section, and they are fully authorized to use any moneys in the county treasury to pay for the same.

Compensation Sec. 11. *And be it further enacted*, That said commissioners shall receive such compensation, from time to time, for their services, to be paid out of the proceeds of the sales of said lots, as said judge and commissioners of roads and revenue may direct.

Repeal Sec. 12. *And be it further enacted*, That the act to appoint commissioners to superintend the sale of lots, in the town of Marshall, in the county of Marshall, and for other purposes, ap-

proved February 5th, 1840, is hereby repealed; any law to the contrary notwithstanding.

Approved, November 26, 1841.

(No. 104.)

AN ACT

To divorce Wilson Etman from his Wife, Sarah Etman.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance of a decree of the Chancery Court, held at Tuscaloosa, for said State, pronouncing and decreeing the bonds of matrimony heretofore subsisting between Wilson Etman and his wife, Sarah Etman, be dissolved, be and the same are hereby dissolved and made void; and that said Wilson be and hereby is divorced from his wife, Sarah Etman.

Approved, December 30, 1841.

(No. 105.)

AN ACT

To divorce Ann C. Bell from John D. Bell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance of a decree of the chancery court, pronouncing the bonds of matrimony heretofore subsisting between Ann C. Bell and her husband, John D. Bell, to be dissolved, be and the same are hereby dissolved; and that the said Ann C. Bell be and she is hereby divorced from her said husband, John D. Bell.

Approved, December 30, 1841.

No. 106.)

AN ACT

To divorce Evaline M. Whetstone from her husband, Evans L. Whetstone.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance of a decree of the chancery court, held at Columbiana, at the February term, one thousand eight hundred and forty-one, for said State, pronouncing and decreeing the bonds of matrimony heretofore subsisting between Evaline M. Whetstone and her husband, Evans L. Whetstone, to be dissolved, be and the same are hereby dissolved and made void; and that the said Evaline is hereby forever divorced from her said husband, Evans L. Whetstone.

Approved, December 30, 1841.

(No. 107.)

AN ACT

To make County Claims receivable in payment of County Taxes in Dale County.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, all registered claims against the county treasurer of said county shall be receivable in payment of county taxes imposed in and for said county; and when any such registered claim may exceed the taxes proposed to be paid therewith, the same shall be credited by the holder with such amount of taxes, and he shall give the collector a receipt for so much paid upon such claim, which he shall hand over to the treasurer to be credited on the books where such claim is registered.

Approved, December 31, 1841.

(No. 108.)

AN ACT

To compel the County Treasurer of Pickens County to reside at or near the County Site.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the first day of January, one thousand eight hundred and forty-two, it shall be the duty of the county treasurer of Pickens county, to reside within three miles of Carrolton, the county site of the said county of Pickens.

Approved, December 9, 1841.

(No. 109.)

AN ACT

To vest in Ann Jones, wife of L. M. Jones, certain rights and privileges therein named and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for Ann Jones of the county of Macon, to take receive and hold, by purchase, gift or inheritance, any property, either real or personal, free from the hindrance; molestation or authority of her husband, Lewis M. Jones, and the same to dispose of by will, gift or sale, and that all property acquired by her from and after the passage of this act, shall in nowise be subject to the debts of her said husband, and that the said Ann Jones, shall possess all the rights and privileges, and be subject to all the liabilities of a feme sole.

Feme sole

Sec. 2. *And be it further enacted*, That all the benefits of the first section of this act, shall be extended to Sally Raiford, wife of Matthew Raiford of Pickens county.

Approved, December 31, 1841.

Sally Raiford

(No. 110.)

AN ACT

Authorizing the Executor of Blaney Brand, late of Greene county, to dispose of the goods, wares and merchandize of his testator, at private sale, or otherwise.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Henry Watson, the Executor of the last will and testament of Blaney Brand, late of Greene county deceased, be and he is hereby authorized and empowered to dispose of the goods, wares and merchandise of his said testator, at private sale, either at wholesale or retail, and as in his discretion he may consider most to the interest of the estate of his testator, or at his discretion at public auction: *Provided,* That the said Watson shall, subsequent to the passage of this act, execute a bond, with approved security, to the same person, conditioned in the same manner, and to have the same force and effect, as the bond now required by law to be given by executors and administrators.

Approved, December 4, 1841.

(No. 111.)

AN ACT

To alter the mode of collecting and assessing the Taxes of Limestone County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That at the first term of the county court, in each and every year after the passage of this act, in the county of Limestone, it shall be the duty of the judge of the county court and commissioners of roads and revenue for said county, to commission one of the Assessors in each Beat. justices of the peace in each beat in said county, or some other competent person, whose duty it shall be to advertise, in the same way and manner, and under the same rules and regulations as are now prescribed by law, that he is authorized to assess the taxes in that beat: *Provided, however,* that in the absence of the judge, the commissioners of roads and revenue shall have power to make the above appointments; or in the absence of the said commissioners, the judge shall have like power.

Sec. 2. *And be it further enacted,* That it shall be the duty of the county court clerk of said county, to transmit to each of the justices so commissioned, on or before the first day of April, To be notified a list of the property subject to taxation by the laws of this State.

Sec. 3. *And be it further enacted,* That assessors of taxes so appointed, shall, on or before the first Monday in July in every year, make out a list of the taxable property in a book to be kept To make re- for that purpose, together with the names of all persons subject turn to taxation, arranged in alphabetical order, with the amount due from each person, and return the same duly certified to the clerk of the county court of said county, on or before the first Monday in July.

Sec. 4. *And be it further enacted,* That the persons so appointed, before they enter on the duties of their office, shall give bond and security in the sum of two hundred dollars, payable to the Judge of the county court, and his successors in office, conditioned faithfully to discharge the duties of their office, and shall be sworn to discharge the same to the best of their abilities.

Shall give bond

Vacancy

Sec. 5. *And be it further enacted,* That should a vacancy occur by death, refusal to act, or other cause, the judge of the county court, alone in vacation, or jointly with the commissioners of roads and revenue, may supply the vacancy.

Compensation

Sec. 6. *And be it further enacted,* That the assessors shall receive for their services respectively four per cent. upon the amount assessed, payable out of the county treasury upon the certificate of the clerk that the said assessor has made due returns of his book of assessment.

Regulations

Sec. 7. *And be it further enacted,* That the assessor shall be regulated in making assessments as now required by law; and if any person shall fail to give in their taxable property, he or she shall be liable to double taxes, to be entered upon the books of assessment, as estimated to the best of the knowledge of the assessor, and collected accordingly, as other taxes; and all persons shall be held bound to render in their taxable property by the first Monday in June of each year.

Duty of Clerk

Sec. 8. *And be it further enacted,* That it shall be the duty of the clerk of the county court of said county, by the second Monday in July in each and every year, to consolidate the returns of the assessors in a book to be prepared by him for that purpose, and make two copies thereof—one of which, he shall hand to the county treasurer; and the other shall be by him delivered to the tax collector, and take his receipt for the same, which he shall file in his office; and for these services, shall have a fee of ten dollars, to be paid out of the county treasury on exhibiting back-receipts to the county treasurer.

Tax to be collected

Sec. 9. *And be it further enacted,* That the tax collector of said county shall proceed to collect the taxes assessed, and make due return of all moneys collected by the first Monday in January in each and every year; and on a settlement with the county treasurer, the said assessor or collector shall not be allowed for any insolvents, unless first allowed and certified to by the judge of the county court, which he shall do, if at all, by the first Monday in January in each year.

Compensation

Sec. 10. *And be it further enacted,* That the tax collector shall receive six per cent. upon the amount actually collected and paid over by him.

Penalty for failing to do duty

Sec. 11. *And be it further enacted,* That should the clerk of the county court, or any assessor, fail to perform any of the duties herein required of them in said county, they shall forfeit the sum of one hundred dollars, to be recovered on motion in the circuit court of said county, or county court thereof, in the name

of the treasurer, for use of the county, upon three days' notice to such clerk or assessor of such motion.

Sec. 12. *And be it further enacted*, That the books of assess-^{Force of books}ment herein required to be made out, shall have the force and effect of an execution, and collected accordingly.

Sec. 13. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same ^{Repeal}are hereby repealed.

Sec. 14. *And be it further enacted*, That the judge of the county court and the commissioners of roads and revenue be and they are hereby authorized to appoint the sheriff, or any other person, collector as aforesaid, who shall give bond and security in such sum as said court shall require for the faithful performance of his duty, and also take the oath that is now required by law.

Approved, December 14, 1841.

(No. 112.)

AN ACT

To authorize the clerk of the circuit court of Randolph county to record in his office all deeds of conveyances acknowledged or proven before him.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*,^{May record deeds} That hereafter it shall be lawful for the clerk of the circuit court of Randolph county, to certify and take the probate or acknowledgement of all deeds of conveyance of real estate, and all other deeds which are required by law to be registered and recorded in the same manner and under the same rules and regulations as now provided by law; and the said clerk of the said court shall register and record all such deeds as aforesaid, in the same manner, in large, well-bound books, of good paper, to be provided for that purpose, and carefully preserved by him, in the same manner and under the same rules and regulations as now required by law of the clerks of the county courts of this State.

Sec. 2. *And be it further enacted*, That all deeds of conveyance taken, certified, acknowledged or proved, registered and recorded by the clerk of the circuit court of Randolph county, as provided for in the first section of this act, shall have the same force and be as binding in law as if the same had been taken, proved, certified, registered and recorded by the clerk of the county court of said county. ^{Validity}

Sec. 3. *And be it further enacted*, That the clerk of the circuit court of Randolph county shall be entitled to the same fees ^{Fees}for services rendered under this act, as are now provided by law for the clerks of the county court.

Sec. 4. *And be it further enacted*, That this act shall not prevent any person who may desire, from having all such deeds ^{Explanatory}

aforsaid, taken, certified and recorded in the county clerk's office, as heretofore provided by law.

Approved, December 31, 1841.

[No. 113.]

AN ACT

To Divorce Kenion J. W. Gaylord from his wife Mary Ann Gaylord.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity with a decree of the court of chancery, held at Clayton for said State, at the June term, 1841, pronouncing and decreeing the bonds of matrimony heretofore subsisting between Kenion J. W. Gaylord of Henry county, and his wife Mary Ann Gaylord, to be dissolved, be and the same are hereby dissolved and made void, and that the said Kenion J. W. Gaylord be and is hereby forever divorced from his said wife Mary Ann Gaylord.

Approved, December 30, 1841.

[No. 114.]

AN ACT

To Divorce Eliza Biggs from her husband Hugh H. Biggs.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance of a decree of the chancery court of said State held at Moulton, the bonds of matrimony heretofore existing between Eliza Biggs and her husband Hugh H. Biggs, be and the same are hereby dissolved and made void, and that the said Eliza be and is hereby divorced from the said Hugh H. Biggs.

Approved, December 31, 1841.

[No. 115.]

AN ACT

To Divorce Elizabeth Steelman from her husband William Steelman.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance of a decree of the chancery court, held at Tuscaloosa for said State, the bonds of matrimony heretofore subsisting between Elizabeth Steelman and her husband William Steelman, be and they are hereby dissolved and made void, and that the said Elizabeth be and is hereby divorced from her said husband William Steelman.

Approved, December 31, 1841.

[No. 116.]

AN ACT

To Divorce Araminta D. Stone from her husband Charles Stone, and change the name of said Araminta D. Stone to that of Araminta Dormer Loftin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity to a decree of the chancery court of this State, held at Talladega at the August term, 1841, pronouncing and decreeing the bonds of matrimony heretofore subsisting between Araminta D. Stone and her husband Charles Stone to be dissolved, be and they are hereby dissolved and made void, and that the said Araminta D. Stone be and is hereby divorced from her said husband Charles Stone.

Sec. 2. *And be it further enacted,* That the name of the said Araminta D. Stone be and is hereby changed to that of Araminta Dormer Loftin, any law to the contrary notwithstanding.

Approved, December 30, 1841.

[No. 117.]

AN ACT

To Divorce Martha Ann Ball from her husband Fessenger Ball.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity to a decree of the chancery court held at Clayton, at the June term, 1841, pronouncing and decreeing the bonds of matrimony heretofore existing between Martha Ann Ball and her husband Fessenger Ball to be dissolved, be and the same are hereby dissolved and made void, and that the said Martha Ann Ball be and is hereby divorced from her husband Fessenger Ball.

Approved, December 31, 1841.

[No. 118.]

AN ACT

To Divorce Nancy P. Morrow from her husband James Morrow.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity to a decree of the chancery court of this State held at Huntsville, at the June term, 1841, pronouncing and decreeing the bonds of matrimony heretofore existing between Nancy P. Morrow and her husband James Morrow to be dissolved, be and the same are hereby dissolved and made void, and that the said Nancy P. Morrow be and is hereby divorced from her husband James Morrow.

Approved, December 23, 1841.

[No. 119.]

AN ACT

To Divorce Philip Voiglin from his wife Mary Voiglin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity to a decree of the chancery court, held at Cahawba for said State, at the January term, 1841, pronouncing and decreeing the bonds of matrimony heretofore subsisting between Philip Voiglin and his wife Mary Voiglin to be dissolved, be and the same are hereby dissolved and made void, and that the said Philip Voiglin be and is hereby divorced from his said wife Mary Voiglin.

Approved, December 30, 1841.

[No. 120.]

AN ACT

To Divorce Joseph Daniel from his wife Huldah Daniel.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That pursuant to a decree of the court of chancery, holden at Clayton, in the second chancery district of the southern division of the State of Alabama, in June, in the year one thousand eight hundred and forty-one, the bonds of matrimony heretofore subsisting between Joseph Daniel, of the county of Barbour, and Huldah Daniel his wife, be and the same are hereby dissolved and annulled, and that henceforth the said Joseph Daniel be divorced from his said wife Huldah Daniel.

Approved, December 21, 1841.

[No. 121.]

AN ACT

To Divorce Liza Essman from her husband Benjamin Essman.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance of a decree of the chancery court held at Columbiana for said State, at the August term, 1841, pronouncing and decreeing the bonds of matrimony heretofore subsisting between Liza Essman and her husband Benjamin Essman, to be dissolved, be and the same are hereby dissolved and made void, and that the said Liza is hereby forever divorced from her said husband Benjamin Essman.

Approved, December 29, 1841.

[No. 122.]

AN ACT

For the Relief of Bethel Homes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be, and he is hereby authorized and required, to draw his warrant on the treasurer in favor of Bethel Homes. for the sum of four hundred dollars, as indemnity to the said Homes for the loss of lots numbered sixty-eight and seventy-two, in the plan of the town of Cahawba, which were sold under a mistake by commissioners appointed by an act of the General Assembly, approved January 21, 1832—said lots having been previously sold and patented to one John Boyce, who has recovered the same, by action at law, of said Homes.

Approved, December 31, 1841.

[No. 123.]

AN ACT

For the Relief of James M. Goodwin and others-

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter, in all cases where it may be necessary for James M. Goodwin, S. S. Jennings, John Forsyth, C. A. Hoppin, Cornelius Robinson, J. W. Stanley, David Myers, William Cash, Robert Gale and R. G. Earle, to take or subscribe the oath, or oaths, prescribed by law against duelling, that the same be limited in point of time to the first day of January, in the year of our Lord eighteen hundred and forty-two.

Approved, December 31, 1841.

[No. 124.]

AN ACT

For the Relief of Ellison Warren, late Tax Collector of Barbour County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That said collector be allowed six months after the passage of this act, for exhibiting before the proper tribunal, his accounts as collector as aforesaid for insolvents; and that he be allowed for all amounts he hath not, nor could not with due diligence have collected, and a certificate from such proper officer or tribunal, specifying the amount of insolvents which said Warren hath not nor could not with due diligence have collected, and for which judgment hath been taken against him and his securities; and such certificate shall operate as a receipt, or discharge of so much

of any judgment taken against said Warren and securities, in respect of insolvent tax accounts which he had not nor with due diligence could have collected.

Approved, January 1, 1842.

[No. 125.]

AN ACT

Granting Certain privileges to Alexander Findley, of De Kalb County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Alexander Findley of De Kalb county, be and he is hereby authorized to hawk and peddle in goods and merchandize within the limits of of the counties of Cherokee and De Kalb without license to do the same, any law, usage, or custom to the contrary notwithstanding.

Approved, December 31, 1841.

[No. 126.]

AN ACT

To authorize Benjamin Thally, of the county of Walker, to erect a Mill-dam across Lost Creek in the county of Walker.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Benjamin Thally be and he is hereby authorized to erect a mill-dam across Lost Creek, in the county of Walker, at any point on said creek within two or three miles below Guthrey's old mill on said creek, any law to the contrary notwithstanding.

Approved, December 29, 1841.

(No. 127.)

AN ACT

To authorize William Walker, sen'r., and his associates, to establish a Ferry on the Black Warrior River, in Blount county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William Walker, sen'r., be and he is hereby authorized to erect a ferry on the Black Warrior river, at the junction of the Little Warrior and the Locust Fork of the same, in the county of Blount.

May erect ferry

Requisitions

Sec. 2. *And be it further enacted,* That the said William Walker, sen'r., and his associates, be and they are hereby required to keep a good and sufficient Boat or Flat, for the purpose

of accommodating all persons wishing to cross and transport across said river, at said point on the same.

Sec. 3. *And be it further enacted*, That said Walker and his associates, shall be liable for all damages of any property in crossing at said ferry, when occasioned by misconduct or mismanagement of the ferryman of said ferry. Liabilities

Sec. 4. *And be it further enacted*, That the said William Walker and his associates, shall have the following rates for ferryage, (viz.) for every four wheel pleasure carriage seventy-five cents, for every two wheel pleasure carriage thirty-seven and a half cents, for every road waggon seventy-five cents, for every cart thirty-seven and a half cents, for every man and horse twelve and a half cents, for every foot person six and a quarter cents, for every horse or mule six and a quarter cents, for every cow beast three cents, for each head of sheep or goats two cents, for every head of hogs two cents. Rates of toll

Sec. 5. *And be it further enacted*, That this act shall continue in force until the year 1852. Extent of charter

Sec. 6. *And be it further enacted*, That the said William Walker, sen'r., and his associates, shall have said ferry in readiness for transportation by, or before, the first day of November next, eighteen hundred and forty-two, or forfeit his right to the same. When to commence

Approved, December 29, 1841.

[No. 123.]

AN ACT

To authorize A. J. Kidd, Benjamin C. Gay and their associates to erect a wharf on the Tombigbee River in the Town of Demopolis Marengo County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*,

That A. J. Kidd Benjamin C. Gay and their associates be and they are hereby authorized to erect a wharf at the landing in the town of Demopolis Marengo county on the Tombigbee river, and that they be authorized to collect, receive and demand of and from the owners and consignees of all goods, wares and merchandize which may be shipped from or landed upon said wharf, at the following rates, viz: For each bushel of salt or grain one cent, for for each barrel or other article of like measurement three cents, for each hogshead or pipe ten cents, for each cord of wood ten cents, for each thousand feet of lumber fifty cents, for all boxes, packages and merchandize usually charged by measurement at the rate of one half cent per foot, for each coil of rope, and each piece of bagging two cents, and for all steamboats, barges, flats, or rafts, to receive and collect a sum not exceeding one dollar for each day or part of a day that they may remain at said wharf; *Provided however*, That no wharfage shall be charged on cotton bales which are stored in any of the warehouses in Privileges

Rates

said town of Demopolis and *Provided further* that for every other article and for all goods not enumerated above, the charges shall be in proportion to the above ratio.

Duty of com-
pany

Sec. 2. *And be it further enacted*, That said wharf company shall construct a good and substantial wharf for all stages of water at the place now known as the Demopolis landing within the space of two years from the passage of this act: *Provided*, That said company shall not use or appropriate any part of the public common so as to injure or molest the property of any other persons or to interfere with or in the least obstruct the road leading to or from the ferry on said river.

Proviso

Remedy

Sec. 3. *And be it further enacted*, That whenever any person shall refuse to pay wharfage on any goods, wares, or merchandize landed or shipped from said wharf, on oath being made by either of the proprietors or any wharfinger in their employment to the correctness of the accounts, before any justice of the peace or other proper officer, an attachment shall issue, and the goods, wares or merchandize or any other article whereon the wharfage has not been paid, shall be seized and exposed to public sale, or so much as will be sufficient to satisfy the demands due; *Provided* ten days notice of such sale be given and; *Provided further*, That any person claiming the same or his or their agent or any person claiming for them shall have the right, to replevy the same by giving bond and security for the wharfage due.

Proviso

Difficulties—
how adjusted

Sec. 4. *And be it further enacted*, That in all cases when any difficulty is likely to arise for want of information in regard to the amount of freight shipped to or from said wharf it shall be the duty of the captain master or clerk of any vessel delivering or receiving freight, to give a certified copy of the freight bill or or bills of lading to the proprietors, or any person in their employ as wharfinger, setting forth the name or names of the owner or owners of such goods or merchandize or other article and on their refusing thus to do, attachment shall issue in like manner as above and the steamboat, vessel or other water craft shall be seized and held liable for all wharfage due and unpaid.

Explanatory

Proviso

Sec. 5. *And be it further enacted*, That the provisions of this act shall not be so construed as to prevent any other person persons or company from building or erecting any other wharf or warehouse at said Demopolis landing: *And provided further*, That the municipal authorities or a majority of them of the said town of Demopolis, shall designate the particular point of the landing where said wharf shall be erected by the said Kidd and his associates: *And provided further*, That nothing in this act shall be so construed as to prevent the Legislature from altering or amending this act in relation to the rates of wharfage.

Sec. 6. *And be it further enacted*, That William H. Lyon and Gilbert Brentling, be and are hereby made partners, with A. J. Kidd and Benjamin C. Gay, in the provisions of the above act: *Provided however*, That in the erection of said wharf the navigation of the river shall by no means be obstructed.

Approved, December 31, 1841.

[No. 129.]

AN ACT

To compensate Messrs. Watkins and Sellers for Merchandize purchased of them for the use of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of eighty-six dollars and five cents be and the same is hereby allowed to Messrs. Watkins and Sellers for merchandize purchased of them by George W. Crittenden colonel commandant of the seventh regiment fourth brigade and tenth division of Alabama Militia, for the use of the State.

Sec. 2. *And be it further enacted,* That the comptroller of public accounts be and is hereby authorized and required to draw his warrant on the treasurer in favor of Messrs. Watkins and Sellers for the sum of eighty-six dollars and five cents, to be paid out of any money in the treasury not otherwise appropriated.

Approved December 31, 1841.

[No. 130.]

AN ACT.

To Divorce John Farly from his wife Mary Farly.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity to the decree of the chancery court of said State (held at Talladega) at the August term 1841, pronouncing and decreeing the bonds of matrimony heretofore subsisting between John Farly and his wife Mary Farly to be dissolved, be and the same are hereby dissolved and made void, and that the said John Farly be and is hereby divorced from his wife Mary Farly.

Approved, 30, Dec. 1841.

[No. 131.]

AN ACT

To Levy a Special Tax for Autauga County and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners court of roads and revenue for Autauga county are hereby authorized, to levy at the usual time of levying taxes for said county in the year one thousand eight hundred and forty-two, and every year thereafter such taxes as they may think proper, not exceeding fifty per centum on the tax assessed for the year one thousand eight hundred and forty-one, to be expended under the direction of said court, Autauga tax

for the erection of a jail for said county, or paying off the debts which are now due and owing from said county, as may seem best.

How assessed

Sec. 2. *And be it further enacted*, That said taxes shall in all respects be assessed, collected and paid into the county treasury in the same manner as other taxes have heretofore been.

Blount tax

Sec. 3. *And be it further enacted*, That the commissioners court of roads and revenue of the county of Blount be and are hereby authorized to levy a special tax to defray the expenses of building a suitable jail for said county of Blount, at the usual time of levying taxes for said county in the year one thousand eight hundred and forty-two.

Butler tax

Sec. 4. *And be it further enacted*, That the commissioners court of the county of Butler may, at their February term one thousand eight hundred and forty-two, levy for one year an additional tax of fifty per cent. on the amount now required by law to be levied, for the purpose of paying the jurors of said county.

Approved, December 28, 1841.

[No. 132.]

AN ACT

In relation to certain School Lands in Talladega, purchased by F. Hall and R. R. Chilton, and others in Benton County.

Raiford's privileges

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That at any time within four months, after the passage of this act, it shall be lawful for the Cashier of the Branch of the Bank of the State of Alabama at Montgomery, to permit William Raiford assignee of Pallati Chilton, assignee of one F. Hall who purchased the north half of south-east quarter and the south-west quarter of section twenty-five township fifteen range five, east in the Coosa land district; school lands of township seventeen, on his first paying to the commissioners of said township seventeen, all interest due on the purchase notes of said Hall, to take up and discharge the said notes of said Hall by giving his (Raiford's) own notes, at one, two, three and four years with good security, bearing interest at six per centum per annum, from date, and amounting in the aggregate, to the total amount of said original purchase money: *Provided*, That on said Raiford's failure to pay any of said instalments, or the annually accruing interest on all said instalments, then in either such case, the said commissioners of township seventeen, may if they choose rescind the sale of said lands, and charge said Raiford, with the rents and profits enjoyed by him.

Proviso

Commissioners privileges

Sec. 2. *And be it further enacted*, That the commissioners of said township, seventeen, shall be competent to receive, and receipt to the said Raiford, for the annually accruing interest on said instalments.

Sec. 3. *And be it further enacted*, That the several benefits and provisions of the foregoing sections, be extended in favor of Reason R. Chilton of Benton, assignee of Pallati Chilton who purchased section sixteen, of township fifteen in range five east in the Coosa land district, in respect of said lands, under all the restrictions and qualifications in said foregoing sections contained. R. R. Chilton's privileges.

Sec. 4. *And be it further enacted*, That the provisions of this act shall be granted and extended to Enos Chapman purchaser of part of section sixteen township one, range five, east Coosa land district in the county of Benton. Chapman's privileges

Approved, December 28, 1841.

[No. 133.]

AN ACT

To establish an additional Regiment of the Militia of this State in the County of Talladega.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act the following named company beats in the county of Talladega (to wit) the Hatchet Creek and Hillabee beats shall form and constitute an additional regiment, which shall be known and designated as the (ninetieth) regiment of Alabama militia. Established

Sec. 2. *And be it further enacted*, That the sheriff of said county, shall from the first day of March one thousand eight hundred and forty-two, cause an election to be held as the law directs for a colonel to command said regiment, whose duty it shall be to organize the said regiment as is now provided by law. Election;

Approved December 9, 1841.

[No. 134.]

AN ACT

To change the mode of Assessing and Collecting the Taxes for the County of Jackson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the judge of the county court, and commissioners of roads and revenue, for the county of Jackson, at the first commissioners court, for said county, after the first monday in march, in each and every year: (*Provided*, There be no commissioners court before the third monday in May, the judge of the county court may call a court for that purpose,) to appoint one of the justices of the peace, in every beat in said county, to assess all the property subject to taxation in their respective beats, according to the law now in force: *Provided how-* Duty of Judge &c.

ever, That in the absence of the judge, the commissioners of roads and revenue, or any three of them, may make the above appointment.

Of Clerk.

Sec. 2. *And be it further enacted*, That it shall be the duty of the clerk of the court of said county, to transmit to each of the justices so appointed, on or before the first day of June, following, a list of the property subject to taxation, with a formula of the manner of assessment, under the direction and supervision of the judge of the county court.

Assessors bond

Sec. 3. *And be it further enacted*, That the persons appointed assessors, shall, before they enter upon the duties of assessors give bond with approved security, in the sum of two hundred dollars each, payable to the county treasurer or his successor in office, conditioned faithfully to discharge the duties of assessor, and shall take an oath to perform the same to the best of his ability: *Provided*, That when the person appointed shall be a justice of the peace, and he has given bond as now provided for by law, for the faithful discharge of their duties of magistrate, it shall not be necessary for such person to give a new bond, but a failure faithfully to discharge the duties of assessor, shall constitute a forfeiture of his bond as justice, and may be sued upon as often as violated, and recovery had for the use of the county.

Judge to fill vacancies.

Sec. 4. *And be it further enacted*, That should a vacancy occur in any beat by death, resignation, refusal to act, or otherwise, the judge of the county court, either with or without the commissioners, may supply the vacancy, by the appointment of another justice of the peace or some other person.

Duty of Assessor.

Sec. 5. *And be it further enacted*, That it shall be the duty of the assessor so appointed, after advertisement as now required by law, to proceed to assess all the property liable to taxation in their respective beats, with the names of all and every persons owning such property or who are liable to taxation under the existing laws.

Additional duty

Sec. 6. *And be it further enacted*, That the assessors of taxes appointed as above, shall on or before the second Monday in August, in each and every year, make out a list of all persons (with the amount of their property,) that is subject to taxation in alphabetical order, and return the same duly certified to the clerk of the county court of said county:

Clerk's duty.

Sec. 7. *And be it further enacted*, That it shall be the duty of the clerk of the county court, in each and every year, by the first of September, to consolidate the returns of all the assessors, for the county in a book to be prepared, and by him kept for that purpose, and subject to the inspection of every person, who may wish to examine the same. And it shall further be his duty, to make out two copies thereof with the amount in money extended, both in the book and copies, one of which he shall deliver to the county treasurer and the other to the tax collector, and take their receipts for the same which he shall file in his office; and for the faithful discharge of these requirements he shall be enti-

ted to such compensation as the judge and commissioners shall think just, and proper, to be paid out of the treasury of the county on the exhibition of said receipt. Compensation.

Sec. 8. *And be it further enacted*, That the different persons appointed under this act as assessors shall be regulated and governed by the law now in force: *Provided however*, That if any person shall fail to give in a list of his or her taxable property, by the first monday in August, in each and every year, he she or they so failing shall be liable to double assessment, and it shall be the duty of the assessor, so to render it according to the best of his knowledge. Assessors how governed.
Proviso.

Sec. 9. *And be it further enacted*, That the tax collector, for said county shall be elected, give bond and be qualified, as is now required by law, and shall proceed to collect all taxes as assessed, and make due returns of all moneys by him collected, to the county treasurer by the first day of January in each and every year: *Provided*, Upon a settlement with the county treasurer, the tax collector shall be allowed to retain in his hands five per centum on the amount by him actually collected and paid over. Collectors to give bond.
Proviso.

Sec 10. *And be it further enacted*, That it shall be the duty of the tax collector to advertise in the manner now prescribed by law, and attend to each beat at least twice, for the purpose of receiving the taxes, between the first day of September and the first day of December in each and every year, and all those who do not pay up their assessments previous to the first of December, the tax collector is hereby authorized and empowered, to proceed against them in person or by deputy, and make the money by distress and sale of property, and to charge constable's costs for the same. Collectors duty

Sec. 11. *And be it further enacted*, That the books of assessments herein required to be made out shall have the force of executions and sums due thereon after the aforesaid first of December, may be collected accordingly. Assessors books to be executions.

Sec. 12. *And be it further enacted*, That the tax collector shall be held bound for the assessment, and shall not be allowed any thing for insolvencies, unless first allowed and certified by the judge of the county court, which he shall do, if done at all, by the fifth of January in each and every year; and it shall be the duty of the treasurer of said county, to carefully examine the collector's collection book, and compare it with the assessment, and report the result of such examination, with a list of the insolvencies, as certified by the judge to the first commissioners' court, in each and every year, in said county; and on failure of the tax collector to make a complete settlement with the county treasurer, which he is hereby required to do, before said commissioners' court, it shall be the duty of the treasurer, by giving the tax collector one day's notice of the same, to proceed against him by motion before said county court, whose duty it shall be, after hearing such evidence as may be offered, to render judg- Treasurer's duty.

Settlement
required.

ment against such tax collector for all such sums as he may have failed to collect, as in the judgment of the court may be proper and just, and collect accordingly; and for failure of the treasurer to perform the duties required of him in this section, he may be fined at the discretion of the court in a sum not exceeding two hundred dollars.

When Sheriff
shall collect.

Sec. 13. *And be it further enacted*, That if hereafter no one shall be elected and qualified to collect the taxes for said county, then it shall be the duty of the sheriff of said county to collect the same, under the same rules and regulations, and for the same compensation, as is herein provided for the tax collector.

Sheriff's oath,
and liability

Sec. 14. *And be it further enacted*, That if, at any time, it should devolve upon the sheriff of said county to collect the taxes thereof, before he enters upon the duties of collecting, it shall be his duty to take an oath and give bond, as is now required by law for the tax collector to do; and for failure to collect and pay over the same, he shall be proceeded against, and collected off of, by the said treasurer, in the same manner that the said tax collector is by this act required to be proceeded against and collected off of.

Repeal.

Proviso.

Sec. 15. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed: *Provided*, this act shall not take effect until after the first day of January, one thousand eight hundred and forty-three.

Extended to
Russell.

Sec. 16. *And be it further enacted*, That all the provisions of this act shall, after the first day of January next, extend to the county of Russell: *Provided*, so far as said county of Russell is concerned, the clerk of the county court of Russell shall perform the duties imposed by second section; and the words, "under the existing laws," in the conclusion of section five, shall be construed as stricken out in its application to said county of Russell; and the officer collecting taxes, shall, as heretofore, collect of those who may have been omitted by the assessor.

proviso

Approved, December 28, 1841.

[No. 135.]

AN ACT

Altering the mode of assessing and collecting the tax of Pike county.

Duty of Judge
&c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the Judge of the county court and commissioners of roads and revenue of Pike county, on the first Monday in March in each and every year, to appoint one of the Justices of the peace in each beat, or some other fit and qualified person, as an assessor and tax collector for said beat, and should there be no Judge present, the commissioners shall make the appointment as aforesaid, a majority of whom may act.

Sec. 2. *And be it further enacted*, That it shall be the duty of the clerk of the county court, to transmit to each of the persons so appointed, through the sheriff, which services shall be ex officio, on or before the 10th day of April, a copy of their appointment, together with a list of property subject to taxation, and the form of assessment under the inspection of the Judge of the county court. Duty of Clerk &c.

Sec. 3. *And be it further enacted*, That the clerk, in his copy shall direct the persons so appointed, in each and every beat, assessor and collector as aforesaid, to appear before the judge and clerk as aforesaid, on or before the first Monday in May, and give bond and approved security, in such sum as the judge may think reasonable and right, for the faithful performance of his said appointment, the said bond to be made payable to the judge of the county court and his successors in office. Bond.

Sec. 4. *And be it further enacted*, That when a vacancy may occur in any of the said appointments by death, resignation, refusal, inability to serve or any other cause, the judge with or without the commissioners shall fill the said vacancy, by the appointment of some other person in the said beat, who shall give bond and security as aforesaid, and every person so appointed, before he enters on the duties of his appointment, shall take an oath to discharge the same to the best of his ability: *Provided*, That when the person so appointed be a Justice of the peace, and he has given bond, as now provided for by law, for the faithful discharge of the duties of a magistrate, it shall not be necessary for such person to give a new bond, but a failure to discharge the duties of assessor and collector faithfully, shall make a forfeiture of his bond, as a Justice of the peace, and may be sued upon as often as violated, and recovery had for the use of the said county of Pike. Vacancies how filled.

Sec. 5. *And be it further enacted*, That each assessor shall attend at the muster ground at least twice for the purpose of assessing the taxes of his beat, and shall give notice of the time and place of attending by advertisement, set up at three of the most public places in the beat, at least fifteen days before the day of meeting, and if any person neglect or refuse to give a list of his taxable property, it shall be the duty of the assessor to go to his place of residence and ask for a return of his property, for which he shall be entitled to fifty cents from the said person, and if he refuse to give a list, he shall be double taxed: and the said assessor shall on or before the first Monday in July in each and every year, make out two lists correctly of each person subject to taxation, and the amount due by each individual in his beat, one of which he shall return duly certified to, to the clerk aforesaid, and the other retain for his own use as collector. Assessors duty

Sec. 6. *And be it further enacted*, That it shall be the duty of the said tax collector as aforesaid, to advertise as aforesaid, and attend at the muster ground of their respective beats, twice for the purpose of collecting the taxes in the same, which shall Duty of Collector.

be done between the 10th of July and the 1st of September, in each and every year, and the said collector, after attending twice as aforesaid, is hereby authorized to proceed against all persons failing to pay their taxes by distress and sale of property, and no property is exempt from the payment of taxes, and the books of the said collector shall have the force of an execution, and he may charge the same costs, as are allowed for similar services.

His liability.

Sec. 7. *And be it further enacted*, That the said tax collectors as aforesaid, shall be held bound for the full amount of the assessment, and after making use of the provisions of this act, to collect the taxes of his beat, the said collector shall make out a fair list of those persons names that are insolvent and cannot pay their tax, and the same lay before the grand jury at the fall term of the circuit court in each and every year, whose duty it shall be to examine minutely, and allow the said collector, and they shall have a credit on their assessment for the amount of insolvencies, so allowed.

Settlement.

Sec. 8. *And be it further enacted*, That the said collectors shall on or before the first Monday in October, in each and every year, make a full settlement with the clerk of the county court of his assessment and collection of the said taxes, and the said clerk is authorised to allow the said assessors and collectors for their services five per cent. on the amount of their assessment, and five per cent. on the amount so collected and paid over and receipt for the same; and it shall be the duty of the said clerk to pay the said amounts into the county treasury forthwith.

Compensation.

When Sheriff to act,

Sec. 9. *And be it further enacted*, That should any failure take place in assessing the taxes of any beat, by the first day of July in each and every year, the clerk of the county court shall give notice to the sheriff, who shall perform the duties required of assessors and collectors, for which he shall receive the same compensation that assessors and collectors receive.

Clerk's duty in cases of failure

Sec. 10. *And be it further enacted*, That on failure of any of the aforesaid collectors to make a complete settlement with the clerk aforesaid, on or before the said first day of October in each and every year, it shall be the duty of the said clerk, by giving the said delinquent collector two days notice, to proceed against him by motion, before the county court, whose duty it shall be to render a judgment against the said collector and his security for the full amount of his assessment, and the same shall be collected forthwith, and on failure of the said clerk to perform the duties required of him in this section, he may be fined by the court in a sum not less than double the amount of said assessment.

Compensation.

Sec. 11. *And be it further enacted*, That the clerk shall be allowed for his services such sum as the Judge of the county court and commissioners of roads and revenue, (or a majority of them) may think reasonable and right.

Sec. 12 *And be it further enacted*, That all laws or parts of laws contravening and conflicting with the provisions of this act, be and the same are hereby repealed.

Repeal.

Approved, November 23, 1841.

[No. 136.]

AN ACT

To Amend the Laws for Assessing and Collecting the Taxes in the County of Butler,
and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an election is hereby required to be held in the county of Butler, on the first Monday in August next, and in each and every year thereafter, for an assessor and collector of the taxes of said county, in the same manner that all other elections are now required to be held.

Election
when held.

Sec. 2. *And be it further enacted*, That the managers at the various precincts in said county, at each of said elections, be required to return the result of the same to the sheriff of said county; and the person receiving the highest number of votes shall be declared duly elected assessor and collector of the taxes of said county for the year next thereafter; but if the two highest candidates should receive an equal number of votes, then the sheriff shall decide the election by casting his vote for one of said candidates.

Return.

Sec. 3. *And be it further enacted*, That the assessors and collectors hereby required to be elected, before entering on the duties of their office, shall give bond and security in the sum of three thousand dollars, (to be approved by the judge of the county court,) conditioned faithfully to discharge the duties of said office; and shall be sworn to discharge the duties of the same to the best of their abilities; which bond shall be filed in the office of the clerk of the county court.

Bond.

Sec. 4. *And be it further enacted*, That the assessment of taxes shall be made in the manner following, to-wit: twenty days notice shall be given by advertisement at the muster ground in each beat in said county, that the tax assessor will be present at each of said muster grounds on a day certain, for the purpose of assessing the taxable property of said county, that in this manner he shall visit each muster ground twice, for assessing the taxes; and if any person shall fail to give in their taxable property on or before the first Monday in June of each year, such person so failing shall be liable to double taxes, to be entered on the book of assessments, estimated to the best of the knowledge of the assessor, according as other taxes are entered.

Assessment
how made.

Sec. 5. *And be it further enacted*, That the assessor so elected shall, on or before the second Monday in June, in every year, make out a list of all taxable property, in a book for the purpose,

Return.

together with the names of all persons subject to taxation, with the amount due from each person, and return the same, duly certified, to the clerk of the county court of said county, on or before the said second Monday in June, to be filed by said clerk among the public papers of his office.

Collection of
tax.

Sec. 6. *And be it further enacted*, That the tax assessor and collector of said county, shall proceed to collect the taxes so assessed by him; in the same manner that by the 4th section of this act he is required to make his assessments; and he shall make a due return of all monies collected, and pay the same to the county treasurer of said county, on or before the first Monday in November in each year, and on a settlement with the county treasurer, he shall not be allowed for any insolvents, unless first allowed and certified to by the judge of the county court, which he shall do, if at all, by the first of December in each year.

Compensation

Sec. 7. *And be it further enacted*, That the tax assessor and collector of said county, so elected, shall receive for his services nine per centum upon the amount actually collected and paid over by him; and he shall be entitled to receive twenty-five cents additional compensation in all cases, when by reason of the failure of any person to attend and pay his taxes at the regularly advertised meetings for collecting the taxes of the county, the said collector is compelled to call at the residence of such person so failing to pay; which additional compensation shall be collected by way of additional tax out of such defaulters.

Force of books

Sec. 8. *And be it further enacted*, That the books of assessment herein required to be made out, shall have the force and effect of an execution and be collected accordingly.

Duty of
Sheriff.

Sec. 9. *And be it further enacted*, That the sheriff of Butler county, be and he is hereby authorized and required to assess and collect the taxes of said county for the year eighteen hundred and forty-two, in the same manner that an assessor and collector of taxes elected under the provisions of this act is required to perform said duties; except that he shall not be required to give any additional bond; and he shall also be required to collect all the taxes liable to be collected for the present year (1841), but which from the neglect of the proper officers have not yet been assessed, and consequently have not been collected.

Part of former
act repealed.

Sec. 10. *And be it further enacted*, That the provisions of an act approved December the eighth, one thousand eight hundred and forty, entitled "an act to alter and amend the laws for assessing and collecting the taxes in the county of Butler," making it the duty of the sheriff, by the first of November in each year, to report the insolvent tax payers, under the penalty of paying the tax assessed in the county and not collected, or so reported upon, be and the same are hereby repealed; and the sheriff is hereby allowed until the first of January next, to report such insolvents, and obtain the certificate of the judge of the county court to the same.

Sec. 11. *And be it further enacted*, That the sheriff shall re-

ceive the same compensation for collecting the tax for the year one thousand eight hundred and forty-two, that by the provisions of this act are given to the tax collectors hereafter to be elected.

Sec. 12. *And be it further enacted*, That should any assessor and collector of taxes of said county fail to perform any of the duties herein required of him, such person so failing shall be liable to be proceeded against upon his bond, by a motion in the circuit court of said county, in the name of the treasurer, for the use of the county, upon five days notice of said motion.

Penalty.

Sec. 13. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be and the same are hereby repealed.

Repeal.

Approved, November 23, 1841.

[No. 137.]

AN ACT

To ascertain and fix permanently the line between the Counties of Madison and Jackson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the county surveyors of Madison and Jackson counties, together with two commissioners, one to be appointed by the county court of Madison county and one to be appointed by the county court of Jackson county, be and they are hereby authorized and empowered to run the line between the said counties of Madison and Jackson, and to mark the same in such a manner as to leave no doubt as to the exact location of said line.

Line to be ascertained.

Sec. 2. *And be it further enacted*, That the expenses incurred by running and marking said line, shall be paid in equal proportions, from the county treasuries of said counties of Madison and Jackson.

Expenses how paid.

Sec. 3. *And be it further enacted*, That the said county surveyors and commissioners, shall meet at some convenient point at or near said line, as soon after their appointment as may be, and proceed to run and mark the line, as hereinbefore directed; and for such service they shall be entitled to the sum of three dollars per diem, each, in addition to all necessary expenses.

Line to be commenced.

Sec. 4. *And be it further enacted*, That it shall be the duty of the said surveyors, to make out four plats of their survey, one to be deposited with the clerks of the county courts of Madison and Jackson, the other two copies to be retained, one with the surveyor of each county—and for making out such plats, the surveyors shall be entitled to the compensation now allowed by law, to be paid by the counties of Madison and Jackson.

Duty.

Sec. 5. *And be it further enacted*, That the county court of Madison and the county court of Jackson, shall proceed to appoint the commissioners named in the first section of this act, within

By whom appointed.

three months after the passage of this act; and said commissioners and county surveyors shall, within three months after said appointment, proceed to discharge the duties in this act specified.

Approved, December 14th, 1841.

[No. 138.]

AN ACT

For the Appointment of Commissioners to Complete the Public Buildings of Washington County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

Commissioners

That Eli S. Thornton, James G. Slater and John Mills, be and the same are hereby appointed commissioners, in place of E. G. Collier, A. W. Harrill and S. S. Scoggin, who have declined acting; who (with Daniel Coleman and P. P. Gaives, of the late board) are required to perform the duties, and have all powers conferred on the commissioners appointed by an act entitled "an act to locate the seat of justice for Washington county, and for other purposes," approved February 3, 1840.

Repeal

Sec. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, November 6, 1841.

[No. 139.]

AN ACT

To regulate the Compensation of Witnesses and Jurors in the county of Clarke.

Compensation
of witnesses,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

That all witnesses summoned to attend in any cause pending in either the circuit or county courts of the county of Clarke shall receive as compensation for their services the sum of one dollar and fifty cents per day for attendance as witnesses and mileage at the rate of five cents per mile, going to and returning from court to be taxed in the usual form of law.

of Jurors.

Sec. 2. *And be it further enacted,* That all grand jurors and petit jurors summoned to attend either of said courts shall receive for their services at the rate of one dollar and fifty cents per day, and five cents per mile going to and returning from court, to be paid as heretofore provided by law.

Repeal.

Sec. 3. *And be it further enacted,* That all laws and parts of laws coming in conflict with the provisions of this act be and the same are hereby repealed.

Approved, December 29, 1841.

[No. 140.)

AN ACT

Authorizing the Commissioners Court of Talladega County to Levy a Tax for certain purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* Tax.
That the commissioners court of roads and revenue for the county of Talladega, be and they are hereby authorized to levy a tax upon said county, at its first session after the passage of this act, sufficient for the completion of the courthouse of said county—said tax not to exceed the county tax of 1839.

Sec. 2. *And be it further enacted,* That said tax shall be as-^{How assessed}essed and collected by the same officer, and under the same reg-^{and collected}ulations, as other county taxes; and when collected, shall be paid over to the commissioners of public buildings, for the purpose aforesaid.

Approved, December 28, 1841.

[No. 141.]

AN ACT

To authorize the Appointment of Overseers, to Work a certain Road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*
That the judge of the county court of Marshall county, and commissioners of roads and revenue, be authorized to appoint overseers on James Crutcher's turnpike road in said county, and the apportioners of hands to work on public roads are hereby required in their respective beats to apportion hands to said overseers; and the said overseers are hereby required to keep said road in good order, as a third grade road, until the said Crutcher shall put the same in good order, as now required by law, or said court otherwise direct.

Approved, December 21, 1841.

[No. 142.]

AN ACT

To Provide for the Summoning of Grand Jurors, to serve at the Special Criminal Terms of the Circuit Courts of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*
That it shall be the duty of the sheriff of Mobile county, to summon twenty-four freeholders, or householders, of the county of Mobile, to serve as grand jurors for said county, at each of the special terms of the circuit court of said county, held in Februa-

Proviso

ry and June in each and every year, for the trial of criminal causes and a jail delivery; and said jurors, summoned as aforesaid, shall be compelled to attend under a penalty of fifty dollars: *Provided*, they shall be summoned at least five days before the sitting of the court; and the jurors so summoned shall sit as a grand jury at said special terms; but if it should so happen that as many as thirteen do not appear, then the sheriff shall instantly summon from the by-standers enough to make up that number, and the jury so empanelled, as aforesaid, shall be deemed a legal grand jury.

Approved, December 29, 1841.

[No. 143.]

AN ACT

To declare the Noxubee River a Public Highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Noxubee river, in the county of Sumter, from the place at which it intersects the line of the State of Mississippi, to its mouth, be and the same is hereby declared to be a navigable stream and public highway: and if any person or persons shall obstruct by throwing, putting or constructing, or causing to be thrown, put, or constructed, into or over the channel thereof, any impediment or impediments whatever, to the navigation thereof, he, she, or they, shall be punished in the same manner, and to the same extent, as is now provided by law for the punishment of the offence of obstructing any of the navigable bays, rivers and creeks of the State: *Provided*, that this act shall not be so construed as to cause to be removed a small dam now raised in the bed of said stream, at the cut off, for the benefit of P. S. Cromwell's mills; and provided also, that said dam shall not be allowed to obstruct the navigation of said river.

Approved, December 28, 1841.

(No. 144.)

AN ACT

Authorizing the Commissioners' Court of Roads and Revenue to establish Ferries on the Alabama River in the County of Wilcox.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the commissioners' court of roads and revenue be and they are hereby authorized to establish a ferry or ferries at any point or place on the Alabama river within the county of Wilcox, whenever in the opinion of the court aforesaid, it shall be necessary for the conve-

nience of the citizens of said county, having in view the greatest public good, and the least private injury.

Sec. 8. *And be it further enacted*, That upon establishment of any such ferry or ferries by the court aforesaid, they shall be required to let out to the lowest responsible bidder, who shall be required to give bond and security under the same rules and regulations as now regulated by law, in regard to licences to keep public ferries, any law or usage to the contrary notwithstanding. Requisitions.

Approved, December 2, 1841.

No. 145.)

AN ACT

To establish a ferry in Washington County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Richard Riggin be and he is hereby authorized to keep a ferry on Syntabogue creek, where the road crosses said creek leading from Washington courthouse to St. Stephens in Washington county. Established.

Sec. 2. *And be it further enacted*, That Richard Riggin be authorized to demand and receive, at his ferry hereby established for crossing the same, the following toll, to wit: for every four wheel carriage, seventy-five cents; for every two wheel carriage, thirty-seven and a half cents; for every man and horse, twelve and a half cents; for every pack, or led, or loose horse, six cents; for every foot person, six cents; for every head of cattle, two cents; for every head of hogs, sheep or goats, one cent. Rates of toll.

Approved, 2, Dec. 1841.

(No. 146.)

AN ACT

To cause the Commissioners of the Penitentiary to be paid for their services.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor be authorized and required to cause to be paid out of any money in the treasury not otherwise appropriated, to each of the commissioners of the penitentiary, such amount of money as each of them may by affidavit prove to be justly due, for services rendered as commissioner or commissioners of the penitentiary; which affidavit or affidavits shall be filed in the office of the comptroller of public accounts: *Provided*, the said commissioners shall only be entitled, under the provisions of this act, to four dollars per day for actual services without mileage.

Approved, January 1, 1842.

[No. 147.]

AN ACT

To locate the Seat of Justice of Marion County, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That D. W. Hollis, Thadeus Walker, H. R. Burleson, James B. Bankhead and John Brown, jr., be and they are hereby appointed commissioners, a majority of whom shall be competent to transact business; with power and authority to fill any vacancy that may occur in their body by death, resignation or otherwise, whose duty it shall be to select a site for the seat of justice of Marion county, within three miles of the centre of said county, by the first day of May, one thousand eight hundred and forty-two, and immediately thereafter to make known to the sheriff of said county the place thus selected.

Commissioners
—their duty.

Duty of Sheriff

Sec. 2. *And be it further enacted,* That it shall be the duty of the sheriff to advertise and hold an election at the different election precincts in said county on the first Monday in August next, and put in nomination the place selected by said commissioners and the present site, Pikeville.

Voters.

Sec. 3. *And be it further enacted,* That all persons who are legally qualified to vote for a representative to the Legislature at said time in said county, shall be entitled to vote whether he is for Pikeville or the place selected by said commissioners. The sheriff shall prepare a separate box at each precinct in said county to receive said votes; and he shall, within ten days after said election, cause all the votes given, both for and against Pikeville, to be brought together at the present courthouse of said county, and shall there count them in the presence of the judge of the county court, or in his absence, in the presence of three respectable freeholders thereof, and declare the result of said election.

Majority of
votes to decide

Sec. 4. *And be it further enacted,* That if a majority of votes given be against the removal, then the seat of justice shall remain at Pikeville; but if a majority of votes be given for the removal, then the seat of justice for said county shall be permanently located at the place thus selected by said commissioners.

Duty of Com-
missioners
Court.

Sec. 5. *And be it further enacted,* That it shall be the duty of the court of commissioners of revenue and roads for said county, (provided said removal is ordered to be made,) and they are hereby vested with full power for that purpose, at the first or at any succeeding term of said court, after the seat of justice shall have been ordered to be removed, to take all necessary and proper measures to have a good and sufficient courthouse and jail erected at the place selected; and they are hereby authorized to receive any donations or grants, whether of land, money or other thing that may be made to them, for the purpose of erecting said courthouse and jail; and if the ordinary revenue of said county and any donations or grants that may be made, shall be insufficient to defray the cost of erecting and finishing said courthouse and jail, the said court shall

have power to levy a special tax for that purpose to be collected as the county tax now is, not to exceed fifty per cent. on the county tax per annum: *Provided, however*, that until a sufficient courthouse and jail shall be erected and provided at the place so selected, the seat of justice shall continue, and the courts for said county shall be held at Pikeville.

Proviso.

Approved, December 31, 1841.

No. 148.]

AN ACT

To change the time of holding the County Courts of the County of Randolph.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the county courts of the county of Randolph shall be holden on the first Monday in January and July in each and every year, and may continue in session for one week at each term.

Changed..

Sec. 2. *And be it further enacted*, That all process shall be made returnable to these courts in the same manner as heretofore prescribed by law, any law, usage or custom to the contrary notwithstanding.

Process..

Approved, December 2, 1841.

[No. 149.]

AN ACT

Fixing the time of holding Justices' Courts in the Counties of Coosa and Autauga, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the provisions of an act entitled "an act relative to justices' courts, and for other purposes, in certain counties therein named," approved February fifth, one thousand eight hundred and forty, be and the same are hereby extended to the special and other justices of the peace in the counties of Coosa and Autauga.

Approved December 9, 1841.

[No. 150.]

AN ACT.

To require the County Officers of the County of Marshall to receive certain claims therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall hereafter be the duty of the sheriff, the clerks of the circuit and county courts and the county treasurer of Mar-

What received

shall county, to receive in payment of any fine or forfeiture due said county, any claim against said county that is duly authenticated.

Penalty for refusal.

Sec. 2. *And be it further enacted*, That if any of the county officers of said county, mentioned in the first section of this act, shall at any time refuse to receive any of said claims as herein above required of them, such officer so failing or refusing, shall forfeit the sum of ten dollars in each case, to be recovered before any justice of the peace of said county, one half to the use of the person suing for the same, and the other to the county.

Approved, December 10, 1841.

(No. 151.)

AN ACT

For the relief of Haley G. Jenkins and David Covington.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Haley G. Jenkins of Barbour county, be paid out of any moneys in the treasury not otherwise appropriated, fifty-nine dollars and seventy-seven cents, for so much expended by him in one thousand eight hundred and thirty-seven, for furnishing provisions for troops under his charge in the Creek service; and also, that four hundred dollars be paid to David Covington, of Russell county, out of the same fund, for corn used by the troops under command of General Woodward, in the Creek service.

Approved, December 25, 1841.

[No. 152.]

AN ACT.

For the relief of Drusilla McDow and Elizabeth Woodley.

Constituted a feme sole.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for Drusilla McDow, of the county of Jackson, to take, receive and hold, by purchase, gift or inheritance, any property, either real or personal, free from the hindrance, molestation, control or authority of her husband, John McDow, and the same to dispose of by will, gift or sale in the same manner as if she were a *feme sole*: *Provided*, the provisions of this act shall apply only to such property as she shall acquire by her own exertions, or from other persons than her husband, and shall not operate to the prejudice of existing creditors as to property heretofore acquired.

Proviso.

Sec. 2. *And be it further enacted*, That all the provisions of this act be extended to Elizabeth Woodley, of Cherokee county.

Approved, December 29, 1841.

[No. 153.]

AN ACT

To attach a part of the County of Montgomery to the County of Lowndes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Pintlala creek up to the point where the range line touches the same about thirty yards above the bridge, on what is termed the Wasden road, be and the same is hereby established as the dividing line between the counties of Montgomery and Lowndes, so as to throw said bridge in the county of Lowndes.

Approved, December 29, 1841.

[No. 154.]

AN ACT

In relation to the Sixteenth Section of Township Eleven of Range Nine, in the County of Wilcox.

Section 1. *Be it enacted by the Seate and House of Representatives of the State of Alabama in General Assembly convened,* That from and immediately after the passage of this act, the cashier of the bank of the State of Alabama be and he is hereby instructed to transfer and deposite in the branch of the bank of the State of Alabama at Mobile, all the notes given for the purchase money of the sixteenth section of township eleven of range nine; and when so deposited, shall be collected under the same rules and regulations now prescribed by law, any law or usage to the contrary notwithstanding.

Approved, December 30, 1841.

(No. 155.)

AN ACT

To Alter the Mode of Electing the Assessor and Tax Collector for Montgomery county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county of Montgomery be and is hereby authorized to elect an assessor and tax collector for said county, on the first Monday in August, one thousand eight hundred and forty-two, and every year thereafter. County to elect

Sec. 2. *And be it further enacted,* That no person shall be eligible to said office, either as principal or deputy, for more than two years in any term of four years. Eligibility.

Sec. 3. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed. Repeal.

Approved, December 31, 1841.

(No. 156.)

AN ACT

To Appoint Courthouse Commissioners, of the County of Tallapoosa, and for other purposes therein specified.

Preamble.

WHEREAS, Thomas D. Berry, Benjamin S. Tarver, Charles Bussy, James W. Townsend, Thomas S. Clarke and Benjamin Young, were induced to believe that they had authority under an act of the Legislature of this State, to act as courthouse commissioners of Tallapoosa county; and whereas the above named persons did act under such belief, in good faith, as commissioners of the courthouse of said county, and proceeded to sell out a great many lots in the town of Dadeville, as aforesaid, and took and received promissory notes from purchasers, payable to the courthouse commissioners; and some payable to the courthouse and jail commissioners, and some payable to the commissioners of Tallapoosa county; all of the notes had and received for the sale of lots as aforesaid, were made with a direct reference above mentioned as commissioners and payers of said notes; and since the making of said notes by purchasers of town lots as aforesaid, the said Thomas S. Clarke and Benjamin Young departed this life; and it having been ascertained that the persons above mentioned, acting as commissioners of the courthouse of Tallapoosa county, (and commenced divers suits as commissioners aforesaid,) were not authorized by the statute of the State of Alabama to act as such commissioners; and the above named persons having received a patent as commissioners aforesaid, since the death of Thomas S. Clarke; and Benjamin Young having died since the issuance of said patent to the commissioners as aforesaid, for the quarter section of land on which the town of Dadeville is located and situated, enabling the said surviving persons to make *bona fide* titles to any lots sold by them as commissioners; for remedy whereof—

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

Commissioners—
their powers

That Thomas D. Berry, Benjamin S. Tarver, Charles Bussy and James W. Townsend, be and they are hereby constituted and appointed courthouse commissioners of the county of Tallapoosa, and as such they are hereby empowered and authorized to sell off at public outcry, or otherwise, all the lots in the town of Dadeville not yet disposed of, for cash or credit, as they the said commissioners shall think most beneficial to the county.

Additional
powers.

Sec. 2. *And be it further enacted,* That the said commissioners are hereby authorized to sue in their own names as commissioners aforesaid, or in their own names as commissioners for the use of any other person or persons, to whom said commissioners may have transferred, or may hereafter transfer, any of the said promissory notes given for lots in the town of Dadeville, by delivery merely, and all suits heretofore commenced, and all suits hereafter to be commenced upon any note or notes which were

given for town lots in the town of Dadeville, and made payable to the courthouse commissioners of Tallapoosa county, or payable to the courthouse commissioners aforesaid or bearer, or payable to the courthouse and jail commissioners as aforesaid, or payable to the commissioners of Dadeville or Tallapoosa county, in all and every such case, the production of the note or notes payable as aforesaid, before the jury trying any such cause, shall be held and deemed sufficient as evidence *per se*, on its production, without proving who the commissioners were.

Sec. 3. *And be it further enacted*, That all the moneys arising from the sale of lots in the town of Dadeville, already made, Money—how applied. and the moneys arising from the sale of lots in the town of Dadeville, yet to be made, when collected by the said commissioners it shall be by them applied to the payment of the courthouse and jail; and all other moneys arising from the sale of lots in the town of Dadeville, and the surplusage after paying for the building of the courthouse and jail, shall be paid over into the county treasury for county purposes.

Sec. 4. *And be it further enacted*, That this act shall be construed so as to benefit the commissioners retrospectively as well as otherwise, and the said commissioners are hereby authorized to make titles to all persons who have purchased lots in the town of Dadeville, and paid for the same according to contract; Retrospective and all lots sold by any or all of the commissioners aforesaid, or those persons mentioned in the preamble to this bill, wherein there was no fraud, are hereby declared to be legal and valid sales to all intents and purposes, and the said commissioners in this act appointed, shall be bound thereby; and the said commissioners are hereby authorized to sell, transfer, assign and set over any promissory note payable to them as commissioners, if said notes were given to them for the sale of lots in the town of Dadeville: *Provided*, such sale, assignment, transfer, or setting over said notes to any person or persons, shall advance the payment beneficially for the courthouse and jail of Tallapoosa county.

Sec. 5. *And be it further enacted*, That the said commissioners in this act appointed, shall have the same rights and privileges in suing, as though they were appointed by law, commissioners at the time they first took it upon themselves to act as Commissioners privileges. courthouse commissioners of the county of Tallapoosa, and all and every act of the said commissioners, or the persons who acted as such, as in this act specified, all such acts as commissioners shall be deemed and held as valid to all intents and purposes, both in law and equity, wherein they acted in their official character as commissioners.

Sec. 6. *And be it further enacted*, That the said commissioners shall proceed to sell all of the lots in the town of Dadeville not yet disposed of, as soon as practicable, of which the said commissioners shall determine; and the said lots not yet disposed of, shall be sold within twelve months from the passage of this Sale of lots.

act; and the said commissioners as aforesaid, shall have power to appoint another commissioner in case any one of said commissioners shall resign, which resignation shall not be accepted until the other commissioners are thereof notified; or in case of death or removal, the remaining commissioners shall have power to appoint and fill the vacancy, until the business of selling the said lots and collecting the moneys therefor shall be completed as nearly as may be.

Compensation Sec. 7. *And be it further enacted*, That the said commissioners shall be allowed out of the county treasury, any amount or sum of money, for their services, which may be adjudged to them by the commissioners court of roads and revenue, whenever the said commissioners shall require the same, on a proper showing by the said commissioners, or any of them: provided the amount shall not exceed six hundred dollars, out of any money not otherwise appropriated in the county treasury.

Repeal. Sec. 8. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, December 31, 1841.

[No. 157.]

AN ACT

To confirm the Emancipation of certain Slaves therein mentioned.

Preamble. WHEREAS, from the petition of Augustin Demouy and other citizens of Mobile, it appears that Francoise, a woman of color, now held as the slave of the said Augustin Demouy, was in all probability emancipated and set free by her owner, under the laws of Spain, prior to the cession of the territory to the United States, but could not, without difficulty and expense beyond her reach, establish the fact. Therefore,

Emancipation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the said Augustin Demouy, be and he is hereby authorized to emancipate and set free the said woman Francoise and her two sons Emile and Louis, and her daughter Camilla, reserving the right of creditors; and upon this express condition, that the said Augustin Demouy enter into bond and security, in the sum of two thousand dollars, to be approved by the judge of the county court of Mobile county, payable to the Governor of this State, and his successors in office: *Conditioned*, that the said woman Francoise and her said children, Emile, Louis and Camilla, shall never become a charge to this State, or any county, city or town therein; and the said Francoise and her said children shall not be required, under any law, to leave this State.

Approved, December 31, 1841.

[No. 158.]

AN ACT

For the Relief of the Commissioners of Section sixteen, Township ten, Range five, in the county of Wilcox.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the cashier of the branch of the Bank of the State of Alabama at Mobile, be and he is hereby required to pay to the commissioners of the sixteenth section of township ten, in range five, in the county of Wilcox, the sum of three hundred and eighty-one dollars and forty cents: *Provided,* that said commissioners shall produce satisfactory evidence that they are entitled to said sum of money, in accordance with the laws now in force in relation to sixteenth sections, and that they nor any one in behalf of said sixteenth section, has received said sum from any other bank.

Approved, December 30, 1841.

[No. 159.]

AN ACT

Authorizing an Additional Surveyor for Sumter County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court and commissioners of roads and revenue for the county of Sumter, be and they are hereby authorized to appoint an additional county surveyor for said county, which said surveyor, when so appointed, shall comply with the laws now governing county surveyors and be subject to them accordingly.

Approved, December 10, 1841.

(No. 160.)

AN ACT

To Appoint an additional Courthouse Commissioner for the county of Russell, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James W. Hunter be and he is hereby appointed a courthouse commissioner for the county of Russell, in the place of William Barnet resigned.

Sec. 2. *And be it further enacted,* That it shall be the duty of the courthouse commissioners of the county of Russell, to proceed, as soon as may be, and contract for the building of a good and sufficient jail in said county.

Approved, December 30, 1841.

[No. 161.]

AN ACT

To provide for a more effectual organization of the twenty-fourth Regiment Alabama Militia.

Preamble

WHEREAS, great inconvenience has already been experienced by the colonel commanding the twenty-fourth regiment in the fifteenth brigade, sixth division of Alabama militia, in the organization of the same under the present laws, together with the condition in which he found the regiment at the time of his election, and an indisposition on the part of the subjects to do military duty; and from the fact, that the books of said regiment have been lost, and no muster been held for some years; consequently the lines cannot be designated, or any court martial held, having not an officer in the regiment, save the lieutenant colonel and the staff: Therefore,

Court Martial
now held

Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall be lawful for all the commissioned officers of said staff to sit upon courts martial in said regiment with their present uniforms; and further, that it shall be the duty of the county surveyor of the county of Montgomery to run and declare the line between the twenty-fourth and fortieth regiments in said county, assisted by the colonels commanding said regiments, any law or custom to the contrary notwithstanding.

Approved, December 31, 1841.

(No. 162.)

AN ACT

To authorize the School Commissioners therein named to build a School House.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the school commissioners of township twenty-one of range two west in Tuscaloosa land district, be and the same are hereby authorized to appropriate the sum of five hundred dollars of the interest of the sixteenth section fund of said township to aid in the building of a permanent school house for the use of the northern district of said township in the town of Gainesville.

Approved, December 30, 1841.

[No. 163.]

AN ACT

To allow Edwin Robinson to erect a gate or gates across a road therein designated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Edwin Robinson of the county of Greene, be and he is

May erect gate

hereby authorized and empowered to erect a gate or gates on that part of the road leading from the main street in the town of Erie, in said county, to the ferry across the Warrior river and landing on the same: *Provided*, that the said Edwin Robinson shall so construct the gate or gates on said road as not to obstruct the free passage of persons travelling said road, or in any way to injure said ferry: *Provided, also*, that said gate or gates shall be free of toll and all charges whatever, and that said gate or gates shall be under the control and supervision of the judge and commissioners of roads and revenue for the county of Greene, and they shall have power to order and have said gate or gates taken down, and all obstructions removed whenever in their opinion, the public good may require the same to be done.

Provide

Approved, December 28, 1841.

[No. 164]

AN ACT

For the relief of the Tax Collector of Macon County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the tax collector of the county of Macon be and he is hereby allowed and authorized to receive fifteen per cent on the full amount of taxes to be collected in said county for county purposes, for the year eighteen hundred and forty-two, all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Approved, December 30, 1841.

(No. 165.)

AN ACT

To alter the mode of Assessing and Collecting the Taxes of Sumter County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, Duty of Judge of County Court &c.

That it shall be the duty of the judge of the county court and commissioners of roads and revenue for Sumter county or a majority of them at the first commissioners court held for said county after the first day of January eighteen hundred and forty-two to lay off said county into beats by metes and bounds, and to appoint some acting justice of the peace or other suitable person in each and every beat so layed off to assess all the property subject to taxation in their respective beats according to the law now in force.

Sec. 2. *And be it further enacted*, That it shall be the duty Duty of Clerk of County Court of the clerk of the county court of said county to transmit to each of the assessors so appointed, a list of all the taxable property

with a form of the manner of assessment, in each and every year on or before the first day of April, under the supervision of the judge of the county court.

Sec. 3. *And be it further enacted,* That the persons so appointed assessors, before they enter upon their duties as such, shall take an oath to perform the same to the best of their abilities, and that said assessors shall on or before the first day of June in each and every year make out a list of all persons, the amount of their property subject to taxation in alphabetical order and return the same duly certified to the clerk of the county of said county of Sumter, and in case a vacancy occur by death resignation or otherwise, the judge alone or three commissioners may fill the vacancy.

Duty of Assessors.

Duty of Clerk.

Sec. 4. *And be it further enacted,* That it shall be the duty of the clerk as aforesaid in each and every year on or before the first day of July to consolidate the returns of assessments in a book to be kept by him and to make out two copies thereof one of which he shall deliver to the county treasurer and the other to the tax collector, and for these services shall receive such pay as the commissioners court may think proper and just.

Taxes collected by a certain day &c.

Sec. 5. *And be it further enacted,* That the tax collector shall be elected, give bond and security and collect the taxes as now provided by law on or before the first day of November of each and every year, and all those who do not pay up their assessments by that time may be proceeded against as now authorized by law, and in case there be no tax collector, from any cause whatever (the sheriff shall ex-officio, be the collector, and be liable upon his bond as such, under the same rules and regulations as collectors of taxes, are liable by law.

Sec. 6. *And be it further enacted,* That the said tax collector shall make return of all moneys by him collected, on or before the first day of January of each and every year, and for each and every failure thereof, shall be liable in the same manner that they now are under existing laws; *Provided,* That upon a settlement with the county treasurer, the collector of said taxes shall be allowed to retain in his hands five per centum on the amount actually collected, and paid over.

Return.

Sec. 7. *And be it further enacted,* That it shall be the duty of the tax collector to make out a list of all the insolvencies and submit the same to the inspection of the county treasurer at the time of settlement with him, which said list the treasurer shall report to the succeeding commissioners court of each and every year, and upon failure of the tax collector to make complete settlement with the treasurer for each and every year on or before the first day of January which he is hereby required to do, it shall be the duty of the treasurer upon giving him three days notice, at the first commissioners court thereafter to proceed against him by motion before said court, whose duty it shall be to render judgement against said collector for all such sums

which he may have collected and failed to pay over, and for all such sums as he may have failed to collect, upon sufficient proof that he might have collected the same by due diligence and collect accordingly.

Sec. 8. *And be it further enacted*, That the assessors appointed under this act, shall receive five per centum on the amount by them assessed, which shall be paid by the tax collector of the county out of said taxes, upon the certificate of the clerk being presented that the assessor has made due return of his assessment which certificate shall express the amount of such assessment and when so paid off, shall be a voucher for its amount for said collector in his settlement with the treasurer. Compensation
of Assessors,

Sec. 9. *And be it further enacted*, That the assessors appointed under this act shall be governed by the law now in force: *Provided*, That if any person shall fail to give in a list of his or her taxable property on or before the said first day of June, he she or they so failing may be liable to double assessment, and it shall be the duty of the assessor so to render it to the best of his knowledge. Assessors duty
Proviso.

Sec. 10. *And be it further enacted*, That it shall be the duty of the Judge and commissioners of roads and revenue at least once in each and every year, to examine so far as relates to the funds of the county, the books, accounts and vouchers of the clerks of the county and circuit courts, and the books accounts and vouchers of the sherriff, tax collector and treasurer and make a report thereof to the citizens of said county, for which services they shall receive such pay as they are now allowed by law for other services. Duty of Judge
&c.

Sec. 11. *And be it further enacted*, That all laws or parts of laws conflicting with the provisions of this act, be and they are hereby repealed: *Provided however*, That this act is not to prohibit the tax collector elected at the last August election of said county from the privilege of assessing the taxes of said county and receiving the same compensation therefor as is now given by law subject however to the same penalties and duties as are required in the foregoing acts. Repeal.
Proviso.

Sec 12. *And be it further enacted*, That the tax collector is hereby required to make known to said commissioners court, at their first meeting as contemplated in the first section of this act whether or not he declines to assess the taxes for the year eighteen hundred and forty-two, and should he so decline, this law of assessment shall be in force according to the provisions of the first section as aforesaid, otherwise not until the year eighteen hundred and forty three, but the said court shall lay off and define the beats as aforesaid and for every successive year appoint the assessors accordingly, any law to the contrary notwithstanding. Collectors duty

Approved, January 1, 1842.

[No. 166.]

AN ACT

To pay to the Heirs of Leah Fralick a certain sum therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and is hereby authorized to draw his warrant upon the treasurer of the State to pay out of any moneys in the treasury not otherwise appropriated the sum of one hundred and twenty-five dollars to the heirs or legal representatives of Leah Fralick, late of Autauga county—being the one half of the sum at which a slave named Sam was valued; which said slave was executed for murder agreeable to law in the said county of Autauga, on the tenth of April, A. D. one thousand eight hundred and forty-one.

Approved, December 30, 1841.

No. 167.]

AN ACT

To authorize the Comptroller of Public Accounts to draw his warrant on the State Treasurer in favor of Sion L. Perry, for the balance of the salary due the late Horatio G. Perry, Judge of the second Judicial Circuit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized to issue his warrant on the State treasurer in favor of Sion L. Perry, for the sum of three hundred and twelve dollars and fifty cents, the amount due the late Horatio G. Perry, as part of his last quarter's salary as judge of the second judicial circuit: *Provided*, that the said Sion L. Perry shall first enter into bond with security to pay over said sum of money when demanded by the person lawfully authorized to receive the same; which bond shall be made payable to said comptroller.

Approved, December 9, 1841.

(No. 168.)

AN ACT

To regulate judicial proceedings in the County Court of Mobile county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the rules adopted by the judge of the tenth judicial circuit, under the act organizing the courts of that circuit, with the concurrence of the judges of the supreme court for the government of the circuit court of Mobile county, shall be of equal force and validity and be binding upon the county court of Mobile county.

Approved, December 2, 1841.

[No. 169.]

AN ACT

To Define and Regulate the Duties of County Treasurer and Tax Collector for the County of Russell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the commissioners of roads and revenue, together with the judge of the county court of Russell county, shall quarterly cause the treasurer for said county to lay before them all his books, accounts and papers, showing all moneys received by him and all moneys paid out by him as treasurer; that said county treasurer shall make out quarterly an account current and post it on the courthouse door in said county; and shall at each term of the circuit court in said county, so soon as the grand jury is organized and sworn in, lay before said jury a full statement of all moneys in hand and all moneys paid out, and all moneys received for the last six months. Duty of Treasurer.

Sec. 2. *And be it further enacted,* That the assessor and collector of taxes, shall pay over and make settlement with said treasurer, all taxes collected; and shall at each fall term of the court, lay his books before the grand jury of said county, whose duty it shall be to examine said book and see whether he has faithfully discharged his duty. Duty of Assessor.

Sec. 3. *And be it further enacted,* That the treasurer of the county shall be allowed a reasonable compensation by the commissioners court, for all statements and accounts current furnished as above mentioned. Com. of Treasurer,

Sec 4. *And be it further enacted,* That if said treasurer or tax collector shall fail to perform the duties herein required, they shall be liable to pay a fine of fifty dollars for each neglect of duty, to be recovered in any court of law in this State; the fine to go to the use of the county. Penalty.

Approved, December 21, 1841.

[No. 170.]

AN ACT

To consolidate Townships fifteen of Range thirty and thirty-one in Russell county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That township fifteen in range thirty, and fractional township fifteen in range thirty-one, both in said county of Russell, for all school purposes, be and the same are hereby consolidated and made as one township, and their several lands and school funds made as one joint fund. Consolidation.

Sec. 2. *And be it further enacted,* That the present commissioners and trustees for said township fifteen in range thirty, till the expiration of their respective terms, and their successors Duty of Commissioners and Trustees,

in office thereafter, shall act in their several official capacities for the entire territory hereby consolidated, and shall have and exercise such right, control and authority over schools and over all the lands, or other funds and property, of both said township and fractional township, as such officers respectively may by law now have or exercise over the lands, funds or other property of said township fifteen in range thirty: *Provided*, that hereafter the citizens of said entire territory, (in their election of officers, management of said joint fund, and in all matters pertaining to schools,) may act together as citizens of a several township, and this law may at any time be repealed or modified.

Approved, December 30, 1841.

[No. 171.]

AN ACT

To compensate John M. Cooper, a Contractor for work done on the Tombeckbee River, and for other purposes.

Duty of Com's. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners for the improvement of the navigation of the Tombeckbee river be and they are hereby required to return and deposit in the bank of the State of Alabama, to be placed there to the credit of the fund from which it was drawn, all money which they have drawn, and which has not been actually and legally expended in the prosecution of the improvement of said river, by the first of February next.

Compensation to Cooper. Sec. 2. *And be it further enacted,* That the sum of four thousand dollars be and the same is hereby appropriated out of any funds in the treasury of the State not otherwise appropriated, to be drawn by order of the Governor to the Comptroller for a warrant on the Treasurer in favor of John M. Cooper, as full compensation to him for services done on the Tombeckbee river.

Approved, December 31, 1841.

[No. 172.]

AN ACT

To establish a Road Court in the County of Mobile.

Election of Court. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That on the first Monday in March, one thousand eight hundred and forty-two, and every three years from the first Monday in August thereafter, there shall be elected in each ward in the city, and in each company beat in the county of Mobile, one road commissioner, who shall be elected by the qualified voters of his respective ward or company beat.

Sec. 2. *And be it further enacted*, That the persons elected under the first section of this act, shall be known and called "the board of road commissioners of Mobile county"; and shall, at their first meeting, choose one of their own body as chairman or presiding officer of the board of road commissioners, as established by this act, who shall perform all the duties now required by law of the judge of the county court in relation to roads, bridges and ferries.

Style.

Sec. 3. *And be it further enacted*, That the road commissioners of Mobile county shall be vested with all the powers and authority heretofore conferred on the judge of the county court and commissioners of revenue and roads in the county of Mobile, so far as the same relates to the road tax, to roads, bridges and ferries, and the appointment of inspectors of elections.

Powers.

Sec. 4. *And be it further enacted*, That it shall be the duty of the clerk of the county court, to attend the board of commissioners, and perform all such duties as are now required of him by law in relation to public highways; for which services, the board of commissioners may allow him from the board fund, three dollars per day for each day he shall attend on said road court.

Duty of Clerk.

Sec. 5. *And be it further enacted*, That the board of road commissioners of Mobile county shall hold their court under this act, on the first Monday in May, one thousand eight hundred and forty two, and every two months thereafter, (a majority of whom may transact business,) but in no case make an appropriation of money without the concurrence of a majority of the whole number of commissioners.

Courts when held.

Sec. 6. *And be it further enacted*, That it shall be the duty of the sheriff of Mobile county to appoint inspectors, to give fifteen days' notice of the time of holding the election, and the place thereof, provided for by this act, by advertising the same in some newspaper, and by advertisement at two or more public places in each company beat, and make return of said elections to the clerk of the county court within ten days after such elections shall have been holden; and it shall be the duty of said clerk forthwith to notify each individual of his election.

Election.

Sec. 7. *And be it further enacted*, That all laws or parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Repeal.

Approved December 27, 1841.]

[No. 173.]

AN ACT

To compensate Robert Nelson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the comptroller of public accounts be and he is hereby authorized and required to draw his warrant on the treasurer in fa-

vor of Robert Nelson, for the sum of two hundred and thirteen dollars, out of any moneys not otherwise appropriated.

Approved, December 28, 1841.

[No. 174.]

AN ACT

For the Relief of Tales Jurors in the County of St. Clair, and other counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all talesmen who shall serve either in the circuit or county courts, in the counties of St. Clair, Perry, Washington, Shelby, Marshall, Talladega, Randolph, Pike, Walker, Benton, Tuscaloosa and Butler, shall be entitled to prove their service and receive the same per diem pay that is now allowed to those of the original *venire facias*, in proportion to the time they may have served; any law to the contrary notwithstanding.

Approved, December 20, 1841.

[No. 175.]

AN ACT

For the Relief of Robert Williamson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of five hundred dollars be, and the same is hereby appropriated to Robert Williamson, of the county of Green, being one-half of the assessed value of a negro slave named Dick, executed according to law, on the second day of April last, in the county of Greene, said slave being the property of said Robert Williamson; to be paid out of any money in the treasury not otherwise appropriated.

Approved, December 30, 1841.

(No. 176.)

AN ACT

To Establish a Board of Physicians in the Town of Jacksonville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, William Williamson, James G. Francis, Atkinson Pelham, G. R. Grant and J. C. Clarke, be and they are hereby constituted a Board of Physicians for the town of Jacksonville, in the county of Benton, to be styled the "Medical Board of Physicians for the town of Jacksonville."

Sec. 2. *And be it further enacted*, That a majority of said Board shall have power to fill all vacancies, whenever they may happen by death, resignation, or otherwise. ^{Vacancies.}

Sec. 3. *And be it further enacted*, That said Board shall be and they are hereby constituted the Medical Board of Jackson-ville, and it shall be their duty to examine the applicants for permission to practice medicine, to grant license, and do all other business required of said Board by law. ^{Powers.}

Sec. 4. *And be it further enacted*, That said Board shall have power to adopt a constitution and pass such by-laws, under the provisions of said act, as they may deem necessary for their government: *Provided*, such by-laws do not conflict with the constitution of this State or the constitution of the United States. ^{Powers.}

Sec. 5. *And be it further enacted*, That said Board shall be and they are hereby required to procure and keep an official seal with such device as they may deem necessary, and they are hereby declared able and capable in law or equity to receive and hold, have and enjoy, donations of real or personal property, not exceeding ten thousand dollars, to and for the use of said board, and they may receive and hold the same, by gift, grant, bequest or purchase, either in fee simple or otherwise; sue and be sued, plead and be impleaded, and to do and perform any other acts incident to bodies corporate. ^{To keep.} ^{Seal.}

Sec. 6. *And be it further enacted*, That nothing herein contained shall authorize said corporation to exercise banking privileges. ^{Prohibition.}

Approved, December 27, 1841.

No. 177.]

AN ACT

For the relief of Reuben Lackey Tax Collector of Jackson County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whereas Ruben Lackey the tax collector of Jackson county for the accommodation of the community did receive in payment for taxes as much as one hundred dollars of Manning's change tickets, which were current and deemed good at that time, but which have turned out to be otherwise, and there is a numerous and respectable petition signed to that effect from the citizens of Jackson county. The treasurer of said county of Jackson is hereby authorized to receive on settlement the said sum of *one hundred dollars* and receipt to said Lackey for so much money: *Provided*, That the Judge of the county court, and commissioners of roads and revenue of said county shall sanction the same, any law to the contrary notwithstanding.

Approved, December 29, 1841.

[No. 178.]

AN ACT

To divide the Seventy-first Regiment of Alabama Militia in the County of Randolph, and create an additional Regiment and to provide for the organization of the same:

Divided.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the seventy-first regiment of Alabama Militia in the county of Randolph, shall be divided into two regiments which shall be known as the seventy-first and ninety-first regiments of Alabama Militia.

Bounds.

Sec. 2. *And be it further enacted,* That the township line dividing townships nineteen and twenty in the above named county shall be the dividing line between said regiments, the northern portion to constitute the seventy-first regiment and the southern the ninety-first regiment.

Organization.

Sec. 3. *And be it further enacted,* That the Brigadier General to whose brigade said regiments belong shall proceed to organize the same as the law provides in such cases.

Approved, December 30, 1841.

[No. 179.]

AN ACT

For the benefit of Sally Partain, Wife of James Partain, of Blount county.

WHEREAS, James Partain, late of Blount county, has separated himself from his wife, Sally, and her children:

Section 1. *Therefore, be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the property now allowed to remain in the possession of each family in this State, free and exempt from distress or levy, be allowed the said Sally Partain, together with all other property which she may acquire by her own industry and economy, so long as she may have the custody of her children, or a majority of them, and she and her said husband remain separate as aforesaid.

Approved, December, 31, 1841.

[No. 180.]

AN ACT

For the relief of William B. H. Howard and Edmund Gaillard, of the County of Monroe, and others.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, whenever it shall become necessary for William B. H. Howard or Edmund Gaillard to take or subscribe the oath or oaths against duelling, the same shall be confined in

point of time to the first day of January, one thousand eight hundred and forty-one.

Sec. 2. *And be it further enacted*, That the provisions of this act shall extend to David Myers, of the county of Autauga, to take effect from the first day of May, one thousand eight hundred and forty-one.

Sec. 3. *And be it further enacted*, That the provisions of this act be and the same are hereby extended to John Forsyth, jr., S. S. Jennings, Cornelius Robinson, R. G. Earle, Henry Myers, John W. Henly, William C. Ashe, Robert Gayle, James M. Goodwin, and Charles A. Hoppin, of the county of Mobile.

Approved, December 31, 1841.

(No. 181)

AN ACT

To divorce Simeon Wheeler from Catharine Wheeler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in pursuance of the decree of the chancery court of said State, held at Mobile, at the spring term, one thousand eight hundred and forty-one, pronouncing and decreeing the bonds of matrimony heretofore existing between Simeon Wheeler and his wife, Catharine Wheeler, to be dissolved, be and the same are hereby dissolved and made void, and that the said Simeon Wheeler be and is hereby divorced from his said wife, Catharine Wheeler.

Approved, December 31, 1841.

[No. 182.]

AN ACT

To Divorce Amanda White from her husband William H. White.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in conformity to a decree of the chancery court held at Eutaw for the third district in the southern division in and for said State, pronounced and rendered at a term of said court holden in the year of our Lord one thousand eight hundred and forty one on the fifth monday after the third monday of December, one thousand eight hundred and forty, the bonds of matrimony heretofore solemnized and subsisting between Amanda White of Sumter county, and her husband William H. White, be and they are hereby forever dissolved and made void, and that the said Amanda White be henceforth divorced from her said husband William H. White, and that she be restored to all the rights and privileges of a *feme sole*.

Approved, December 29, 1841.

[No. 183.]

AN ACT

To Divorce Jane Johnson from her husband Henry Johnson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity to a decree of the chancery court of this State held at Tuscaloosa, pronouncing and decreeing the bonds of matrimony heretofore subsisting between Jane Johnson and her husband Henry Johnson to be dissolved, be and the same are hereby dissolved and made void and the said Jane Johnson be and is hereby divorced from her husband Henry Johnson.

Approved, December 30, 1841.

[No. 184.]

AN ACT

For the relief of Joshua Shamberger of Sumter County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the cashier of the bank of the State of Alabama, be, and he is hereby authorized to deliver up the note or notes to George Dees, or his legal representatives given by him for the purchase of the south east quarter, and the east half of the south west quarter of section sixteen, township fifteen, range one west, of lands offered for sale at the Demopolis land district, in Sumter county; *Provided however,* That the representatives of the said George Dees deceased, shall present to the said cashier, certified evidence, that the contract between the said George Dees deceased and the school commissioners, for said land specified as above, is by mutual consent rescinded.

Approved, December 29, 1841.

No. 185.]

AN ACT

To amend and explain an act entitled an act for the relief of Elizabeth Morriss, Approved, January 9, 1836.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Elizabeth Morriss, an alien of Mobile county be and she is hereby authorized and enabled to have and hold such of the estates of her late uncle James D. Wilson, who died in Mobile county, as she might have inherited by law had she not been an alien, had her mother, (who was the sister of said Wilson,) not been an alien, and had the said James D. Wilson not been an alien, but a citizen capable of transmitting inheritable estates. And that the true intent and meaning, of the act of which this is amendatory, is that said Elizabeth Morriss should have been

made capable of inheriting from her said uncle, in the same manner as if the said Elizabeth, her mother, and her said uncle had been natural born citizens of the United States.

Approved, December 4, 1841.

[No. 186.]

AN ACT

To confirm the will of Martin Kirby, late of Mobile County deceased.

WHEREAS, Martin Kirby late of Mobile county deceased, did by last will devise certain property to his parents and other relations who are aliens, therefore—

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the will of Martin Kirby deceased, late of Mobile county, be and the same is hereby confirmed and the devisees of said will are authorized to take and enjoy according to the same, as if they were citizens of this State: *Provided however,* That nothing in this act shall be so construed as to affect the rights of creditors.

Approved, December 27, 1841.

[No. 187.]

AN ACT

To establish Jury trials in Justices Courts in certain counties in this State and to regulate the proceedings therein.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, any person being dissatisfied with the judgment of any justice of the peace may within five days thereafter, appeal to a jury on payment of cost and giving bond with good and sufficient security for the eventual condemnation money, and the justice before whom the same was originally tried, or his successor in office, or any justice of the same beat, shall issue subpoenas for all witnesses that the parties in such appeal may require. Persons dissatisfied may appeal to a jury

Sec. 2. *And be it further enacted,* That all such appeals shall be tried before any one or more justice or justices in the beat company in which the cause originated, by five jurors, to be drawn, empanelled and sworn as hereinafter directed, and in no other manner whatsoever, whose verdict shall be final and conclusive between the parties, except removed by certiorari or by appeal to the circuit or county court, and said jury shall be empanelled and sworn, and the trial conducted and the evidence admitted in the same manner, as in the circuit and county courts of this State. How tried.

Jurors how
drawn and
constituted.

Sec. 3. *And be it further enacted,* That the method of drawing jurors for the trial of appeals in justices courts in each company beat shall be as follows, the justice or justices residing in each captains beat, in conjunction with the commanding officers of said beat shall once in every two years procure or make out a list of all persons liable to serve as jurors in the circuit courts who may be residents in their respective beats and shall write the name of every person so liable on a separate piece of paper, which shall be deposited in a box, in an apartment marked No. 1, and shall draw therefrom not less than five nor more than seven of the names, so before deposited, from time to time to try the causes so depending before them, which names, so drawn, shall be entered in a book by the justice presiding at the drawing thereof and shall be deposited in an apartment of said box marked No. 2, and after all the names are drawn from No. 1 they shall commence drawing from No. 2. and so on alternately: *Provided,* That no justice shall presume to draw any jury, but on a court day and in public and by a person not interested in any suit to be tried by said jury, and any person so drawn and summoned by a constable, five days before court neglecting to appear shall be fined by the justice or justices in a sum not exceeding three dollars unless said juror shall show sufficient cause on oath at the next term: and in all cases of deficiency of jurors the constable by the direction of the justices shall fill and complete such jury from the bystanders; *Provided,* There shall not be less than three of the original panel, on such jury, and they shall for every verdict by them given be entitled to receive fifty cents to be paid by the party in whose favor such verdict may be given, and be taxed in the bill of costs.

Proviso.

Proviso.

Justice shall
issue venire
facias.

Oath of Jury.

Fees.

Sec. 4. *And be it further enacted,* That the justice of the peace shall issue a "*venirefacias*" for the jurors so drawn returnable to the next term of said court and it shall be the duty of the constable at least five days before the term, to summon the jurors so drawn either personally or by leaving written notice at their usual place of abode, to attend accordingly and the following oath shall be administered to the jury by a justice of the peace before any case is submitted to them, viz. "you and each of you do solemnly swear (or affirm as the case may be) that you will well and truly try all issues which shall be submitted to you and left to your decision by the court during this day, and true verdict give according to the evidence, so help you God" and the following fees shall be allowed for the services herein directed to be performed, to be paid by the party cast in his suit, and be taxed in the bill of costs; to the justice for drawing the jury, making out the *venirefacias* and setting on each case fifty cents, to the constable for summoning the jury returning the *venirefacias* and attending the trial fifty cents, to the justice for issuing each summons for the witnesses, and the witnesses for attending, and the constable for summoning the same the same fees as are now allowed by law for such services in a justices court.

Sec. 5. *And be it further enacted*, That the foregoing law shall operate and be in force in the following counties in this State to wit: Chambers, Randolph, Tallapoosa, Benton, Cherokee, De Kalb, Autauga, Marshall, Talladega, Dale and Coffee. Extent of law.

Sec. 6. *And be it further enacted*, That the justices courts in the counties of Barbour, Pickens and Russell, shall be held monthly and in the same manner as justices courts are authorized to be held, by an act entitled an act relative to justices courts and for other purposes in certain counties therein named approved February 5, 1840 to take effect in the last named counties from and after the first day of April next. Justice courts in other counties.

Approved, December 31, 1841.

No. 188.]

AN ACT

To confirm the will of Thomas Murphy deceased.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the last will and testament of Thomas Murphy deceased of Sumter county, is hereby confirmed and made valid, as tho' the said Thomas Murphy had not been an alien, but a citizen of the United States, so that John Murphy and others mentioned in said will, shall be entitled to take and hold as devisees and legatees the property of the said Thomas Murphy, according to the provisions of the said will, as tho' the said John Murphy, and others mentioned had not been aliens, but citizens of the United States, capable of inheriting estates.

Approved, December 9, 1841.

[No. 189.]

AN ACT

To Incorporate the Tallapoosa Manufacturing Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Hickerson Burnham and his present and future associates, are hereby declared and constituted a body corporate in fact and in name, by the name of the Tallapoosa Manufacturing Company, on the east side of the Tallapoosa river, at the great falls in Tallapoosa county. Name and style.

Sec. 2. *And be it further enacted*, That the company hereby incorporated, shall be capable of purchasing, holding and conveying lands, tenements and hereditaments, and also personal property, goods and chattels, as shall and may be necessary to May purchase property.

carry all the objects of said corporation into full execution and effect in all respects whatsoever.

Corporate
powers.

Sec. 3. *And be it further enacted,* That the said company and their associates, shall have power and be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered, in all courts and judicature having jurisdiction over the subject matter whatsoever, and also of contracting and being contracted with relative to the business and purposes for which the said company is created; and the said corporation shall have a common seal, and may alter, destroy and renew the same at pleasure.

Of subscription
of stock, &c.

Sec. 4. *And be it further enacted,* That subscriptions to the capital stock of said company shall be regulated by the said Hickerson Burnham and his associates, as to the time, place, when and where, said subscriptions shall be taken, the amount to be paid on subscribing, and the time when the remaining portion shall be paid in, with full and complete power to regulate the whole matter, and to declare forfeitures under certain rules when stockholders fail to comply, and to do all things that may be necessary to ensure the punctual payment of the several instalments as they may come due severally or otherwise: *Provided, however,* that any rule or regulation adopted by the said Hickerson Burnham and his associates, shall be general, and operate upon all subscribers alike; and that each stockholder shall be liable in his, her, or their private capacity, for the amount of stock he, she, or they, may own in said corporation, and may be sued for the same; and the capital stock of said corporation is hereby limited to and shall never exceed five hundred thousand dollars.

Trustees to be
elected.

When

Sec. 5. *And be it further enacted,* That so soon as the sum of thirty-five thousand dollars shall be subscribed, the said stockholders shall, and are hereby authorized to elect five trustees, who shall manage the concerns and property of the said incorporation, (one of whom shall be appointed President by the other trustees,) who shall be chosen annually on the first Monday of January, at such place as the trustees for the time being shall direct; and a President shall be elected annually on the first Monday in January, in each and every year, in manner aforesaid.

Election.

Sec. 6. *And be it further enacted,* That if an election of trustees should not be made on the day appointed in this act, or on some other day to which the stockholders may have altered the time, the said corporation shall not for that cause be deemed and held to be dissolved; but it shall and may be lawful on any other day to make and hold an election of trustees, in such manner as shall have been regulated by the by-laws and ordinances of said corporation.

Stock may be
assigned.

Sec. 7. *And be it further enacted,* That the stock of said corporation shall be assignable and transferrable according to such rules and regulations as said trustees shall establish, and no

stockholder indebted to said company, either for subscription of stock or otherwise, shall be permitted to make a transfer, or receive a dividend, until such debt be paid to the satisfaction of the trustees.

Sec. 8. *And be it further enacted*, That the books in which the registration of such stock and the transfer thereof, shall be contained, shall be deposited in such house as the trustees shall provide in the county of Tallapoosa, subject to the inspection of all and every stockholder to examine, whenever any one or more of them desire such examination. Books to be kept.

Sec 9. *And be it further enacted*, That it shall be the duty of the trustees to call or appoint meetings and notify the stockholders of the same, when required by the stockholders owning one-fourth part of the stock; and no meeting shall be competent to transact business unless persons owning collectively the majority of the stock shall be present in person or by proxy. Trustees may call meetings.

Sec. 10. *And be it further enacted*, That the trustees for the time, or a majority of them, shall form a quorum for the transaction of business, and shall have power to make all such by-laws, rules and ordinances, as to them shall appear needful and proper, touching the management and disposition of the property, estate and effects, of said corporation, and all such matters as appertain to the concerns of the institution, and they shall have power and authority to appoint and employ all such officers and servants as they may think proper for the transaction of the business and concerns of said corporation, and to displace such officers and servants at pleasure: *Provided*, such by-laws, rules and ordinances, shall not conflict with the constitution of the State of Alabama, or with any law now in existence, or which may hereafter be passed. Quorum. Proviso.

Sec. 11. *And be it further enacted*, That the trustees for the time being shall also have power and authority to appoint an agent, to be approved by a majority of the stockholders, or persons owning a majority of the stock, to act in their behalf for said corporation, and all contracts and agreements, entered into for and on account of said corporation and signed by said agent, shall be binding on said corporation, in like manner as if made and entered into by said trustees. Trustees may appoint agent.

Sec. 12. *And be it further enacted*, That the trustees shall keep at all times, or cause to be kept, proper books of accounts, in which shall be regularly entered all the transactions of the corporation, and they shall also keep a regular minute of all the proceedings at the meetings of the said trustees, and of the stockholders, which books shall be subject at all times to examination by the persons owning stock in the said corporation. Books to be kept.

Sec. 13. *And be it further enacted*, That the said trustees shall make semi-annual dividends of so much of the profits of the said company as they may think proper, and cause the same to be paid to the stockholders, to whom the said profits may properly belong. Dividends.

Duration of
charter.

Sec. 14. *And be it further enacted,* That said corporation shall continue and have being for and during the space of twenty-one years, from and after the passage of this act: *Provided,* the Legislature does not alter, repeal, or modify the same; which power is hereby expressly reserved.

Report.

Sec. 15. *And be it further enacted,* That said company shall report the condition of the said establishment annually to the Legislature.

Prohibition.

Sec. 16. *And be it further enacted,* That this corporation shall not have the privilege to exercise banking powers, or to exercise any other power not necessary and proper to carry the foregoing granted powers into full execution, according to the meaning and true intent of the establishment of the institution and corporation; and all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, December 31, 1841.

[No. 190.]

AN ACT

To create a certain County therein named, and for other purposes.

Bounds and
name.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all that portion of Dale county lying west of the range line dividing ranges twenty-two and twenty-three, shall constitute one separate and distinct county, to be called and known by the name of Coffee.

Com's.

Sec. 2. *And be it further enacted,* That Britton T. Atkinson, James Claxton, Thomas Cole, John B. Cruise, and Amos Wiggins, be and they are hereby appointed commissioners for the county of Coffee, who, or a majority of whom, shall have power to fix on a suitable place for the seat of justice in said county.

Powers.

Sec. 3. *And be it further enacted,* That the said commissioners shall have power to contract for, (and receive in behalf and for said county, by good and sufficient titles,) a lot of land not exceeding one hundred and sixty acres, so fixed on for the seat of justice, for the purpose of erecting thereon public buildings for the use of said county.

Erect public
buildings.

Sec. 4. *And be it further enacted,* That said commissioners, or a majority of them, shall have power to contract for, erect and superintend the building of a courthouse and jail, of such description and dimensions as they shall agree upon, with the approbation of the commissioners' court of said county: *Provided,* that notice shall be given by said commissioners, at three or more public places in said county, of the time and place of letting said buildings, or either of them; shall contract for the erection thereof with the lowest bidder, who shall enter into

bond, with sufficient security to said commissioners, conditioned for the faithful performance of his or their contract.

Sec. 5. *And be it further enacted*, That after the aforesaid commissioners shall have purchased a tract of land for the location of the seat of justice in said county, it shall be their duty, after reserving lots whereon to erect said courthouse and jail, to cause the balance of said tracts respectively to be run out by the county surveyor of said county, into lots of convenient size, and sold on a credit of one and two years, taking notes with approved security, payable to said commissioners, who shall turn them over to the county treasurer, for the use of said county in erecting a courthouse and jail. Lots to be laid out and sold.

Sec. 6. *And be it further enacted*, That it shall be the duty of the judge of the county court and commissioners of roads and revenue for the county aforesaid, to levy a tax on all taxable property in said county, to be applied to the erecting and completing the courthouse and jail, in the event the proceeds of the sale of lots in said county be insufficient to defray the expenses which may accrue in building the same: *Provided*, said tax shall not exceed fifty per cent. on the county tax for other purposes. Tax to be levied.

Sec. 7. *And be it further enacted*, That there shall be elections held in the aforesaid county on the first Monday in March next, at the different precincts, for the election of a clerk of the circuit court, a clerk of the county court, a sheriff, a tax collector and assessor, and four commissioners of roads and revenue for said county; which election shall be held by one justice of the peace and two householders in each election precinct, to be conducted in the same manner and under the same rules and regulations as elections are held for the election of members of the General Assembly: *Provided*, that any county officer duly elected in and for the county of Dale, and residing in the county of Coffee, shall continue to hold his office in said county of Coffee, as though he had been duly elected in said county. Election of county officers.

Sec. 8. *And be it further enacted*, That the commissioners aforesaid shall, before they enter upon their duties, take the following oath, to wit: I, _____ do solemnly swear, that I will discharge the duties imposed upon me as a commissioner for the county of Coffee, without partiality or favor, so help me God. Proviso.

Sec. 9. *And be it further enacted*, That the commissioners for the county aforesaid shall locate the seat of justice in said county at or near the centre of said county, if practicable; if not, at the most eligible point, not exceeding six miles from the centre of said county. Oath of Com's.

Sec. 10. *And be it further enacted*, That until the next apportionment in regard to representation, said county of Coffee shall, in all elections for representative, vote with the county of Dale. Location of county site.

How represented.

Name of
county site.

Sec. 11. *And be it further enacted,* That the county site of said county shall be called and known by the name of Welborn.

Com's. for
Dale county.

Sec 12. *And be it further enacted,* That Barney Wadford, James Arthur, Thomas Andrews, James C. Ward, and Captain ——— Hendrix be and they are hereby appointed commissioners to locate a new county site for the county of Dale, according to the provisions of this act, and with the same powers and under the same regulations, so far as the same can be made applicable, as in the case of Coffee county ; to which place, as soon as convenient after the first circuit court in said county, the public officers, with all their appendages, courts, and so forth, shall be transferred, held and kept.

Regulation of
funds of two
counties.

Sec. 13. *And be it further enacted,* That James Claxton, James J. Blair, and Seaborn Grey, be and they are authorized and required, as early as convenient, to ascertain the amount of the indebtedness of the treasury or county of Dale over and above the available means of the treasury at the date of the passage of this act, and if any, to divide the amount ; and the said county of Coffee is hereby made responsible, and required to pay over, the amount of one-half of said indebtedness to the treasury of Dale ; and the commissioners of roads and revenue of Coffee county be and they are hereby authorized to levy an additional tax, not exceeding fifty per cent. on the county tax for other purposes, so as to discharge said indebtedness within the space of four years ; and that the county treasurer of Dale shall receive, in discharge thereof, any legal demands against his said county.

Of courts.

Sec. 14. *And be it further enacted,* That the first circuit court, after the passage of this act, shall be held for the two counties of Dale and Coffee as now prescribed by law for the county of Dale ; and thereafter, the circuit, county, and other courts for Dale, shall be held as heretofore, and the circuit courts of Coffee county shall thereafter be held on the third Mondays after the fourth Mondays in March and September in each year, and may continue in session six judicial days ; and the county courts of said county shall be held on the fourth Mondays in June and December in each year ; and the commissioners' and orphans' courts shall be held respectively on the Mondays next succeeding the days on which said courts are now held in Dale county : and all process be, and the same is hereby made returnable accordingly ; and the commissioners herein named, as well as the commissioners of roads and revenue in said counties, shall be entitled to receive two dollars for each day's service in carrying this act into effect, to be paid out of their respective county treasuries.

Election re-
turns.

Sec. 15. *And be it further enacted,* That the several election precincts in said counties shall continue, except that the returns shall be made to the courthouses to be established in pursuance of this act, until otherwise altered by law.

Sec. 16. *And be it further enacted, That the circuit courts* ^{Covington.} *of Covington county shall, from and after the first circuit court held in Coffee county, be held on the fourth Mondays after the fourth Mondays in March and September in each and every year; and all process is hereby made returnable accordingly.*

Approved, December 29, 1841.

[No. 191.]

AN ACT

To change the name of Alfred B. Palmore.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Alfred B. Palmore be hereafter called and known by the name of Alfred B. Justice; and that he be, to all legal intents and purposes, the lawful heir of James D. Justice.*

Approved, December 10, 1841.

(No. 192.)

AN ACT

To divorce John F. Lehr from Sally Lehr.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That in pursuance of a decree of the chancery court, held at Huntsville, in Madison county, the bonds of matrimony heretofore subsisting between John F. Lehr and his wife, Sally Lehr, be and the same are hereby dissolved; and the said John F. Lehr is hereby divorced from his said wife, Sally Lehr.*

Approved, December 31, 1841.

[No. 193.]

AN ACT.

For the relief of Sarah Squires.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, it shall be lawful for Sarah Squires, wife of Esley Squires, of Covington county, to take, receive, and hold, by purchase, gift, or inheritance, any property, either real or personal, free from the hindrance, molestation, or authority of her said husband, Esley Squires, so long as they shall continue to live separately and apart, and the same* ^{Feme Sole}

to dispose of by will, gift, or sale, in the same manner as if she were a *feme sole*.

Privileges.

Sec. 2. *And be it further enacted*, That no property, either real or personal, hereafter acquired by the said Sarah Squires, shall be subject to the payment of any debts hereafter contracted by the said Esley Squires, any law or usage to the contrary notwithstanding.

Approved, December 14, 1841.

(No. 194.)

AN ACT

For the relief of Harriet Hatfield.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for Harriet Hatfield of the county of Marengo, to take, receive and hold by purchase gift, or inheritance, any property, either real or personal, free from the hindrance molestation control, or authority of her husband Frances Hatfield and the same to dispose of by will, gift or sale in the same manner as if she were a *feme-sole*: *Provided*, The provisions of this act, shall apply only to such property as she shall acquire by her own exertions, or from other persons, than her said husband and shall not operate, to the prejudice of existing creditors as to property heretofore acquired.

Approved, December 14, 1841.

[No. 195.]

AN ACT

To authorize William Hughes, Tax Collector, of Cherokee County to Assess and collect the Taxes of said County for the year eighteen hundred and forty one, and change the time for the election of said officer in future.

Duty of tax collector.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and immediately after the passage of this act, it shall be the duty of William Hughes, tax collector of Cherokee county, to proceed immediately to assess and collect the taxes, for said county, for the year eighteen hundred and forty one, under the same regulations and restrictions, as are now prescribed by law in this state, for the assessment and collection of taxes. And it is hereby made the duty of said tax collector, to make his settlements, and pay over said taxes by the 1st monday in April next, to the proper authority for settling with and receiving the same.

Sec. 2. *And be it further enacted*, That the time for the election of tax collector and assessor for said county of Cherokee, shall take place on the first monday in March eighteen hundred

and forty two; and annually on the first monday in March thereafter, who shall proceed to the assessment and collection of the taxes, for said county, and make settlements and pay over the moneys, in conformity, to the laws now of force in this State upon that subject, any law usage or custom to the contrary notwithstanding.

Approved, November 12, 1841.

[No. 196.]

AN ACT

To confirm the emancipation of certain persons therein named.

WHEREAS, it appears by the last will of Reges Bernody, late ^{Preamble.} of Mobile county, that it was his intention to emancipate and set free, Hortense Collin, wife of Maximilien Collin, and Francis Voltair and Louise Pievie (now known as Louise Bandin) children of said Hortense Collin, therefore—

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said Hortense Collin, Francis Voltair and Louise ^{Emancipation.} Bandin and Eugene, Hortense Marie Adelaïd and Registe children of said Louise Bandin are hereby declared to be free and their emancipation is hereby confirmed, and the said Hortense, Francis, and Louise and the said children of Louise shall not be required to leave the State of Alabama, upon this condition, that the said Maximilien Collin, shall enter into bond with approved security to the Judge of the county court of Mobile county in the sum of three thousand dollars conditioned that the said ^{Condition.} Hortense Collin, Francis Voltair and Louise Bandin, and the said children of Louise Bandin shall never become a charge to this State or any county or town therein.

Approved, December 31, 1841.

(No. 197.)

AN ACT

For the Benefit of the Estate of John S. Gray, deceased.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Gray and John Cocke, administrators of the estate of John S. Gray, deceased, be and they are hereby authorized to ^{Power of} vest the nett proceeds of said estate, after supporting the family ^{Adm'r.} of the deceased, in slaves for the use and benefit of the wife and children of the deceased, to be held and possessed by them in accordance with the laws now in force in relation to the estates of intestates.

New bond

Sec. 2. *And be it further enacted*, That the said James Gray and John Cocke, shall enter into new bond, with good and sufficient securities, to be approved of by the judge of the county court of Greene county, as in case of administrators; and the said James Gray and John Cocke shall administer said estate in all other respects as is now required by law.

Approved, December 20, 1841.

No. 198]

AN ACT

To Authorize Allen Woolley to Erect a Gate across a certain Public Road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Allen Woolley shall be authorized to erect across the public road leading from Tuskaloosa to Springfield, a gate for the use and convenience of his farm, at some suitable point near Foster's ferry across the Black Warrior river, said gate to be erected on the east side of the river: *Provided*, that it shall at all times be kept so that it may be easily and conveniently passed, and that no charge of toll shall be made for passing the same: and, *provided further*, that nothing in this act shall be so construed as vesting any interest or right to interfere with or prevent its repeal by any subsequent legislation, or which shall prevent the court of roads and revenue of the county of Tuscaloosa, should the said gate at any time hereafter be held a public nuisance, from abating it as such.

Sec. 2. *And be it further enacted*, That all laws and parts of laws contrary to the provisions of this act, be and the same are hereby repealed.

Approved, November 23, 1841.

[No. 199.]

AN ACT

For the relief of Thomas B. Royston.

Duty of cashier

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the cashier of the branch bank of Alabama at Decatur is hereby authorized and required to release Thomas B. Royston from all liabilities to said bank, as a security on a debt on which the bank recovered judgment against one Hiram Walker and others: *Provided*, that the said Thomas B. Royston pays to the cashier of said bank all cost that has accrued on said debt since he became liable as security: *And be it further provided*, that said Thomas B. Royston pays on said debt the full value of all

Proviso.

property for which he became security for its delivery, and was not delivered, the value to be settled by the cashier or agent of said branch bank at Decatur.

Sec. 2. *And be it further enacted*, That if said Thomas B. Royston has paid said debt, or any part thereof, except the value of ^{When to re-} fund. the property for which he was legally bound, the cashier of said branch bank is hereby authorized to refund to the said Thomas B. Royston the amount collected out of him.

Sec. 3. *And be it further enacted*, That nothing contained ^{Explanation.} in this act shall be so construed as to release Hiram Walker or any of the original securities or endorsers on the debt, from any part thereof.

Approved, December 21, 1841.

(No. 200.)

AN ACT

To authorize the Executors of David White, deceased. to Administer said decedant's Estate in the County Courts of certain counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the executors of the last will and testament of David White, deceased, are hereby authorized to prove the Will of the said David White, to make their returns, and to settle finally the accounts of the said estate, either in the orphans court of Dallas or Montgomery, as said executors shall think the interest of said estate demands; the said executors, executing in the orphans court of the county they may select, such bonds as the law requires.

Approved, December 14, 1841.

[No. 201]

AN ACT

To Authorize the Election of an Assessor and Tax Collector for Russell County, and other purposes.

Section 1, *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the sheriff of Russell county to advertise and cause to be elected, by the qualified voters of said ^{Election.} county, at each annual election hereafter to be holden for said county of Russell, an assessor and tax collector, whose duty it shall be, after giving bond with approved security to the judge of the county court of said county, in such sum as the judge may require, not exceeding double the amount of taxes to be raised in any one year, conditioned for the faithful discharge of their duties; and being duly qualified, to assess and collect the taxes for

the county aforesaid: in the same manner and for the same compensation now pointed out and allowed by law, to the collector for such services.

Repeal.

Sec. 2. *And be it further enacted*, That all laws authorizing or requiring the collector of said county of Russell to assess and collect any taxes that may fall due after the first day of January, eighteen hundred and forty-two, be and the same are hereby repealed.

Approved, December 30, 1841.

[No. 202.]

AN ACT

To authorize Norborne E. Chandler of Sumter County to sell goods wares and merchandize without license, and free of Tax in said County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Norborne E. Chandler be and he is hereby authorized to sell goods wares and merchandize without license and free of tax for his own use and benefit in the county of Sumter.

Sec. 2. *And be it further enacted*, That nothing in this act, shall be so construed as to authorize said Norborne E. Chandler to retail spirituous liquors, or to sell goods for any other person or persons, on commission or otherwise.

Approved, December 9, 1841.

[No. 203.]

AN ACT

To require the Clerks of the Circuit and County Courts of Marengo County to make and keep a reversed Index in all causes decided in their respective Courts, and for other purposes.

Duty of Clerk. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the clerk of the circuit court and the clerk of the county court of Marengo county, shall make out and keep a reversed Index of all causes which heretofore, or which may hereafter be decided in their respective courts; and that the commissioners court of said county be authorized to make a suitable allowance of compensation to said clerks for making a reversed index of all the causes heretofore decided in said courts.

Docket may be transcribed. Sec. 2. *And be it further enacted*, That the judge of the county court and the commissioners of roads and revenue of Marengo county, be authorized to have an execution docket in the office of the clerk of the county court of Marengo county, which is in a mutilated condition, either re-bound or transcribed as in their judgment may be most conducive to the interest of the

county; and that they be authorized to make suitable compensation to the clerk of said court for his trouble in attending to the same.

Sec. 3. *And be it further enacted*, That the colonels of regiments in Marengo county be required to have a copy of the ^{Duty of} ~~di-~~Colonel's provisions of company beats filed with the clerk of the county court of said county within six months after the passage of this act; and in like manner, to file a copy of any alterations of company beats within three months thereafter, under the penalty of one hundred dollars each for every omission.

Approved, December 30, 1841.

(No. 204.)

AN ACT

To Divorce Julian Simmons from her husband Richard Simmons.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in pursuance of a decree of the chancery court decreeing the bonds of matrimony heretofore subsisting between Julian Simmons and her husband Richard Simmons to be dissolved be and they are hereby dissolved and made void, and that the said Julian be and is hereby divorced from her husband Richard Simmons.

Approved, December 31, 1841.

[No. 205.]

AN ACT

Imposing Additional Duties on the Treasurer of Marengo County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the treasurer of the county of Marengo, to settle his accounts semi-annually with the judge of the county court and commissioners of roads and revenue of his county; which settlement shall set forth every item of receipt and expenditure of said county, and the said account shall be certified to by the judge and at least two of the commissioners, and shall be recorded in the county court of said county; and it shall be the duty of the treasurer to post a copy of said account on the courthouse door, at each settlement with the judge and commissioners; and also cause the same to be published in the newspaper at Demopolis and Linden, should there be any. ^{To settle semi annually.}

Sec. 2. *And be it further enacted*, That if the county treasurer fail to comply with the provisions of this act, he shall forfeit ^{Penalty for} and pay for every such failure the sum of two hundred dollars, ^{failure.} for the use of the county, to be recovered in the name of the judge

of the county court of Marengo county, on motion in the circuit court of said county, on giving the treasurer one day's notice in writing of such motion, which notice shall be served by the sheriff, coroner, or some constable. ^

Approved, December 29, 1841.

[No. 206.]

AN ACT

To change the name of a certain person therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act the name of Louisa Pearson of Fayette county be and the same is hereby changed to that of Louisa Jones.

Sec. 2. *And be it further enacted,* That the said Louisa Jones be and she is hereby made the legal heir of Fletcher Jones of the county of Fayette and entitled to take and hold any property by inheritance or otherwise that may descend to her as such.

Approved, December 29, 1841.

[No. 207.]

AN ACT

To establish certain Election Precincts therein named, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an election precinct is hereby established at the house of Charles Simpson, in the county of Chambers; that an election precinct is hereby established at the house of _____ Tomlinson, in the county of Lowndes; that an election precinct is hereby established at the house of Desire Tellman, in the county of Dale, and at the house of Benjamin Malden, in said county; an election precinct is hereby established at the storehouse of Elias Miller, in the county of Henry; that an election precinct is established at the house of William Smith, on Big Bear creek, in the county of Franklin; that an election precinct be established at Flat Rock, in the county of Talladega; at the house of James Wilkinson, in the county of Mobile; at the house of Dudley Snow, in the county of Benton; at the house of Isaac Morris, in the county of Tallapoosa; at the house of Duncan Sellars, in the county of Butler; at the house of Buckett Thompson, in the county of Autauga; at the Cottage Hall, on Spring Hill, in the county of Mobile; at the house of James B. Bradley, in the county of Montgomery; at the house of A. G. Robertson, in the county of Limestone; at the house of Thomas Alfreds, in the county of St. Clair; at the house of Amos Moore, in the county of Macon; at Colarine, in the county of Lowndes; at

Precincts established.

Enon, in the county of Macon; at Reuben Hart's, and also at the house of Noah Carroll, in the county of Covington; at the grocery store heretofore occupied by William Johnson and William McDonald, in the county of Tallapoosa; at the house of John Davis, in the county of Cherokee; at the house of John Doudie, in the county of Tuscaloosa; at the house of Peter James, and at Manningham, in the county of Butler; at the Flat Rock, and also at colonel Hogan's cowpens, in the county of Talladega; at the house of C. Y. Fonda, on Bone Secine, and at Navy Cove, [the managers of the election to select the house,] in the county of Baldwin; at the house of Wyley W. Coggins, in beat number one, in the county of Autauga; at the house of Samuel Finly, on Rock creek, in the county of Franklin; at Abraham Leveret's, in the county of Talladega; at Nicholson's store, in the county of Washington; at James Davis', in the county of Walker; on Horse creek, at the house of John Benson, in the county of Marshall; at the house of James Watkins, at Ball Ground Hill, in the county of Tallapoosa; at Dudley Snow's tanyard, in the county of Benton; at the house of Elias Miller, and also at any house in the town of Franklin that the managers of elections may select, in the county of Henry; at a place called Harquire, in the county of Coosa; at the house of Josiah Evans, in the county of Washington; at the house of James Ross, in the county of Montgomery; also at Paden Speas, in the county of Montgomery; at Rinehart's mills, in the county of Talladega; at the house of James Trice, in the county of Lawrence; at the house of Reuben Estis, in De Kalb county; at Missionary, in the county of Franklin.

Sec. 2. *And be it further enacted,* That the following election precincts be and they are hereby abolished: the one known as Hambreck's precinct, in the county of Lowndes; at Ott's mill, in the county of Dale; at the house of Jesse Lot, in the county of Mobile; at the store house of John Satter, in Monroe county; at the Boiling Spring, in the county of Benton; at Fort Rascal, in Tallapoosa county; at Hatch's schoolhouse, and Washington's store, in Sumter county; at George Michael's, at Spring Hill, in Mobile county; Clemen's precinct, in the county of Limestone; at Gaines', in the county of Montgomery; at Pine Flat beat number one, in Autauga county; at Fordville, in the county of Talladega; at Matthew Carter's, in the county of Talladega; at Melville Wright's store, Jackson's store, and Fort Dale, in the county of Butler; at Archibald Caraway's, in the county of Tuscaloosa; at John Buce's, in the county of Tallapoosa; at Thomas Lloyd's, in the county of Covington; at Blackman's, in the county of Macon; at Maul & Cole's store, in the county of Lowndes; at the House of John Pierce, and also at the house of James Hall, in the county of Baldwin; at the house of F. M. Greene, in the county of Franklin; at Priester's house, in the county of Washington; Gregory Glascock's, in

Precincts
abolished.

the county of Blount; at Biend's Bluff, in the county of Marshall; at Oakfusky, in the county of Tallapoosa; at the house of John Shipp, in the county of Fayette; at the house of Mr. Weir, in the county of Pickens; at the house of Kimbrill, in Coosa county; at Line creek beat, in the county of Montgomery; at Scoggin's Hill, and at James Cook's; in the county of Montgomery; at Borem's house, in the county of Talladega; at Gatesville, in the county of Franklin.

Approved December 29, 1841.

[No. 208.]

AN ACT

For the Payment of Certain Claims against the State.

Appropriations
to certain
persons

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be authorized to draw his warrant on the State treasurer, requiring him to pay the following claims out of any money in the treasury not otherwise appropriated, to-wit: to George Huggins, sheriff of Mobile county, the sum of three thousand and eleven dollars and forty cents, for victualing prisoners confined in the jail of Mobile county.

Sec. 2. *And be it further enacted,* That the following sums be and the same are hereby appropriated to the following persons hereinafter named, to-wit: to Samuel McDade, sheriff of Walker county, the sum of seven dollars and sixty cents for furnishing provisions to a State's prisoner, while confined in the jail of said county. To D. Woodruff, of Tuskaloosa, for his services as clerk to the joint examining committee, to examine the affairs of the State Bank and Branches, the sum of seventy-five dollars. To M. D. J. Slade, the sum of twenty-five dollars, for printing done for the present General Assembly. To Robert N. Ware, the sum of seventy-six dollars and twenty-five cents, for servant hire and board for the same during the present session of the General Assembly. To Otis Dyer, the sum of five dollars, for fuel furnished the present General Assembly.

Approved, December 30, 1841.

(No. 209.)

AN ACT

To Compensate Certain Persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts is hereby required to draw his warrant on the treasurer for the following sums, to be

paid out of any money in the treasury not otherwise appropriated, viz: to Hogan and Lyon, the sum of twelve dollars and fifty cents, for twenty bunches of quills furnished the present General Assembly; also, to the same persons, the sum of two dollars and fifty cents, for sand furnished as above. To Reece Parker, the sum of six dollars, for wood furnished the present General Assembly. To Noah W. Ward, the sum of forty-three dollars for conveying a prisoner from the county of Dekalb to the town of Huntsville, in the county of Madison.

Approved. December 31, 1841.

(No. 210.)

AN ACT

For the Payment of the Claim of Hugh P. Caffey and others.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* ^{Appropriations to sundry persons.} That the State treasurer be required to pay the following claims out of any money in the treasury not otherwise appropriated: to Hugh P. Caffey, jailor of Montgomery county, the sum of three hundred and sixty-two dollars and sixty cents; to James C. Lock, sheriff of Greene county, the sum of two hundred and sixty-five dollars and seventy cents; to Richard Taylor, jailor of Chambers county, the sum of one hundred and seventy-one dollars and forty cents; to James M. Austin, sheriff of Marion county, the sum of ten dollars and forty-five cents; to Asa Wallis, for stone-coal furnished the State, the sum of ninety-two dollars; to Hogan and Lyon, the sum of one hundred and four dollars and nineteen cents, for articles purchased by the doorkeeper for the use of the State during the present session.

Approved, December 30, 1841.

[No. 211.]

AN ACT

To Pay Certain Claims therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the State treasurer be required to pay the following claims out of any money in the treasury not otherwise appropriated: ^{Appropriations to pay C. C. Gewin and others.} to C. C. Gewin, sheriff of Lawrence county, the sum of eighty dollars and eighty cents; to James Odell, jailor of Limestone county, the sum of forty-eight dollars; to John W. Suttle, sheriff of Bibb county, eighteen dollars; to Leroy Driver, jailor of Chambers county, thirty-five dollars and twenty cents; to John A. Hammack, jailor of Baldwin county, forty-four dollars and eigh-

ty cents; to Charles Lewin, for the rent of an arsenal, the sum of fifty dollars; to Osborn Youngblood, jailor of Macon county, the sum of twenty dollars and fifty-five cents; to Harvey W. Reed, jailor of Lawrence county, the sum of thirty-nine dollars and sixty cents.

Sec. 2. *And be it further enacted*, That the sum of seventeen dollars be, and the same is hereby appropriated to Samuel J. Boling, jailor of Butler county, for feeding State prisoners; also, the sum of fourteen dollars to William R. Fuller, for apprehending and committing to jail Starling McCrory, under the charge of felony.

Sec. 3. *And be it further enacted*, That Lewis M. Jones be allowed the sum of twenty dollars, for prosecuting two negro slaves, in the county of Macon, charged with felony.

Sec. 4. *And be it further enacted*, That the comptroller of public accounts is hereby authorized to draw his warrant on the State treasurer, in favor of Enoch Fagan, for the sum of forty dollars, for repairs done on cannon belonging to the State, which repairs were done by order of Governor A. P. Bagby.

Sec. 5. *And be it further enacted*, That the appropriation herein before allowed to Charles Lewin, shall be paid to his legal representatives.

Sec. 6. *And be it further enacted*, That William G. Jones be allowed the sum of twenty dollars, for prosecuting two slaves to conviction.

Sec. 7. *And be it further enacted*, That the sum of twenty dollars be allowed to Leroy Gresham, for prosecuting two negro slaves to conviction; and the sum of ten dollars to Henry L. McGregor, for prosecuting a negro slave to conviction.

Approved, December 29, 1841.

(No. 212.)

AN ACT

For the payment of certain claims against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the State treasurer be required to pay the following claims out of any money in the treasury not otherwise appropriated, to William Braly of Tuscaloosa county twenty two dollars and forty three cents, to Otis Dyer one hundred and twenty Dollars for wood furnished the State, to Alden Walkley twenty four dollars and twenty five cents, to Brown & Maxwell fifteen dollars, to Richard Whiting one hundred and thirty two dollars, to James Thompson five dollars, to William Bledsoe sheriff of Chambers county eighty nine dollars and twenty five cents, to Will-

Appropriations
to certain per-
sons

iam R. Hunt Jailor of Madison county seven hundred and fifty dollars and ninety cents, to James McNeal one hundred and fifty dollars.

Approved, December 30, 1841.

No. 213.]

AN ACT

For the Payment of Certain Claims therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the comptroller of public accounts be, and he is hereby authorized and required to draw his warrant on the treasurer of this State, in favor of William Braly, for the sum of seventy-six dollars and twenty-five cents, for servant hire for the present General Assembly; also, the sum of nine dollars, in favor of George & C. Hopkins, for stationary furnished the present General Assembly; also, the sum of three dollars and fifty cents, in favor of James H. Owen, for cash paid to James G. Carroll, for hauling water at the called session of 1841—all of which to be paid out of any money not otherwise appropriated. Appropriations to sundry persons.

Approved, December 31, 1841.

[No. 214.]

AN ACT

Making Appropriations for the Payment of Claims against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the comptroller of public accounts be and he is hereby authorized and required to issue his warrants upon the State treasure, in favor of the following persons, for the amounts hereafter to be specified, to be paid out of any money in the treasury not otherwise appropriated, viz:

In favor of William Hughes, jailor of Autauga county, for victualing prisoners, &c., the sum of sixty dollars and thirty cents.

To Thomas P. Simmons, the jailor of Lowndes county, for like services, the sum of one thousand and three dollars and twenty cents.

To Weeks Pipen, the jailor of Henry county, for like services, the sum of one hundred and eleven dollars and sixty cents.

To Richard W. Barber, the jailor of Tuscaloosa county, for like services, the sum of one hundred and eighty-nine dollars and eighty-five cents.

To Dixon Hessel, jailor of Monroe county, for like services, the sum of one hundred and eighty dollars and eighty-five cents.

To Joiner Gentrey, jailor of Jackson county, for like services, the sum of one hundred and fifty dollars: *Provided*, the said Gentrey shall give bond, with two good securities, in double the amount, to the comptroller of the State, to refund what may be collected of said prisoners, upon the final termination of the suit or indictment.

To William Chandler, jailor of Perry county, for like services, the sum of seventy-five dollars and twenty cents.

To Burwell W. Hodges, sheriff of Pike county, for like services, the sum of three hundred and fifty-seven dollars and sixty cents.

To John P. Glass, jailor of Marengo county, for like services, the sum of ten dollars.

To Asa Parker, jailor of Monroe county, for like services, the sum of seventeen dollars.

To R. H. Poe, the sheriff of Fayette county, for like services, the sum of forty-five dollars and twenty-five cents.

To Jacob Hoss, jailor of Cherokee county, for like services, the sum of forty-four dollars.

To Matthias E. Gairy, sheriff of Sumpter county, for like services, the sum of one hundred and ninety-five dollars and seventy cents.

To Winston P. Pettis, sheriff of Lauderdale county, for like services, the sum of one hundred and fourteen dollars and seventy-five cents.

To Samuel Stephens, jailor of Franklin county, for like services, the sum of one hundred and forty-five dollars and sixty-five cents.

To Fielding Snow, jailor of Benton county, for feeding prisoners, thirty-seven dollars.

To Sampson Thompson, a constable of Benton county, for guarding prisoners, the sum of seventeen dollars.

To John G. Finch, of Franklin county, the sum of seventy-five dollars, for apprehending James M. Mitchell and others, and conveying them to jail.

Sec. 2. And be it further enacted, That the following sums be and the same are hereby appropriated out of any moneys in the treasury not otherwise appropriated, to the following purposes, to-wit:

To John P. Lamb, constable of Franklin county, the sum of thirty-two dollars and sixty-five cents, for expenses incurred in conveying a State prisoner to jail in said county.

To Wright Mimms, constable of Monroe county, the sum of nine dollars and seventy cents, for expenses incurred in conveying a State prisoner to the jail of said county.

To Thomas P. Simmons, jailor of Lowndes county, the sum

of two hundred and forty dollars, for moneys expended in paying rewards and in apprehending State's prisoners who broke out of the jail of said county.

To James W. Feagan, of Barbour county, the sum of forty-six dollars and fifty cents, for moneys expended in apprehending and conveying a State prisoner to the jail of Lowndes county.

To Joseph Young, constable of Franklin county, the sum of six dollars and thirty cents, for moneys expended in conveying a State prisoner to the jail of said county.

To Matthias E. Gary, sheriff of Sumter county, the sum of twenty-five dollars, for moneys expended in delivering the votes to the Secretary of State as required by law, in a contested election for a seat in the Senate, from the county of Sumter, between Samuel B. Boyd and John E. Jones.

To John F. Henderson, of Talladega county, the sum of eight dollars for advertising a special election for member to Congress, by order of the Governor.

To Benjamin Gardner of Barbour county, the sum of eight dollars, for advertising a special election for members to congress. by order of the Governor.

To William Braly, sheriff of Tuskaloosa county, the sum of two hundred and sixty-three dollars and sixty cents, for his attendance on the supreme court.

To Hogan and Lyon, of Tuskaloosa, the sum of ninety-five dollars and seventy cents, for stationery &c. furnished the called session of the legislature for the year eighteen hundred and forty-one.

To Benjamin Patterson, of Madison county, the sum of twenty-nine dollars and eighty cents, for his per diem pay and mileage while attending before the joint examining committee appointed by the legislature to examine the affairs and condition of the Decatur bank, at the session of eighteen hundred and thirty-eight and thirty-nine.

To Carroll & Spiller, of Tuskaloosa, the sum of sixty-four dollars and eighty-seven and a half cents, for the burial expenses of John H. Garrett, late a member of the county of Cherokee.

To R. Haywood, of Tuskaloosa, the sum of thirty-two dollars, being his medical bill against John H. Garrett, deceased, late a member of the county of Cherokee.

To Hogan & Lyon, of Tuskaloosa, the sum of forty-seven dollars and thirty cents, for stationery &c. furnished the present General Assembly.

To Thomas P. Simmons, jailor of Lowndes county, the sum of one hundred and eighty-eight dollars and forty cents, for provisions furnished a State prisoner.

To Young Mann, sheriff of Henry county, the sum of twenty-three dollars, for monies expended in conveying a State prisoner from Barbour county on a change of venue.

To Albert Parish, of Henry county, the sum of twenty three

dollars and seventy-five cents, for the use of a horse and guarding a State prisoner from Henry county to the county of Chambers.

To Solomon Petite, the sum of ten dollars and seventy-five cents, for repairs done on the State capitol, by order of the door-keeper of the House of Representatives.

To William G. Godbold, sheriff of Monroe county, the sum of twenty-one dollars, for the use of guards to guard State prisoners &c.

To Hogan and Lyon, twelve dollars and fifty cents for stationery furnished the clerk of the supreme court.

Approved, December 31, 1841.

JOINT RESOLUTIONS AND MEMORIALS.

JOINT MEMORIAL

Of the General Assembly of the State of Alabama to the Congress of the United States.

Your memorialists beg leave respectfully to represent, that in consequence of the failure of the United States to furnish provender for the horses of the troops engaged in the Alabama and Florida campaigns during the years one thousand eight hundred and thirty-six and one thousand eight hundred and thirty-seven, many losses were sustained by the troops; for which, it is believed, they should be reimbursed. They are, for the most part poor men; and the delay which has occurred in adjusting and paying their claims, has been, and continues to be, a serious grievance to them. We, therefore, ask your honorable body to pass a law, providing for the immediate adjustment of these and all other claims against the United States growing out of the Indian disturbances in Alabama and Florida. Under the present law, making it the duty of the Third Auditor to pass upon these claims, delays, almost without number, have occurred, and must occur; and we beg to suggest, with all due deference, that a committee of your body, or a commission, might be raised, whose duty it should be to examine and pass upon all applications without delay. Justice, to be effectual, should be speedy; and we earnestly hope that no time will be lost in settling up the just demands of those who so promptly and cheerfully turned out in the service of their country.

Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That his Excellency the Governor be requested to transmit to each of our Senators and Representatives in Congress, a copy of the foregoing memorial.

Approved, December 31, 1841.

A JOINT MEMORIAL

To the Congress of the United States, on the subject of establishing an Armory at the Great Falls on the Tallapoosa River.

Your memorialist, the General Assembly of the State of Alabama, respectfully represents to your honorable body, that a resolution having passed in the Congress of the United States at its last session, requiring the President

to cause to be examined a suitable place for the establishment of an armory, beg leave to state for the information of your honorable body, that the Great Falls on the Tallapoosa river will well compare with any water power in the Union. The entire river may be used (if necessary) at a very small expense to the driving of such machinery as may be required.

The Great Fall being about twenty-five or thirty feet perpendicular, with continuous fall for some miles above and below, it follows as a matter of course, it cannot be affected by the freshets usually attendant on ordinary streams.

Your memorialist would further state, that the Tallapoosa river may be navigated by steamboats, for some six or eight months in the year, to within one mile of said place; and the Montgomery and West Point Railroad runs within four miles. We therefore deem it not only a most favorable position for an armory, but for any other purposes where water power may be required.

In addition to the advantages already named, it may be necessary to state, that building rock of the very best kind may be had in abundance at the place. And if it is the design of the government to establish an armory in the south, the propriety of which is generally conceded, we would most respectfully call your attention to this most favorable location.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to bring this subject to the consideration of the President, and to use their best exertions in accomplishing the object of your memorialist.

Approved, December 31, 1841.

JOINT RESOLUTION

In relation to a Land District in the Cherokee part of Alabama.

WHEREAS, that portion of lands lately acquired from the Cherokee nation of Indians within the limits of the State of Alabama, is surveyed and now ready for market; and whereas, the same is densely settled by a class of meritorious individuals, who have pre-emption claims upon the same, who have been hitherto prevented from consummating their rights for the want of a land office; and whereas, the delay in establishing a land office may have been caused by the different views entertained in relation to the establishment of a separate land district—the annexation of the territory to the Coosa land district, or the place of locating the land office; and whereas, the immediate privilege of entering their lands, is a paramount consideration to all others with the citizens of said territory:

Therefore, be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators and Representatives in Congress be requested to cause a law to be passed, as early as practicable, having for its object the establishment of a separate land district, or the annexation of said territory to the Coosa land district, whichever in their better judgment can most readily be accomplished; and in the event the annexation of said territory to the Coosa land district should be

the policy adopted, that they procure the removal of the land office, now located at Mardisville in said district, to some eligible point at or near the centre of the Cherokee territory—as well as to reduce the minimum price of the public lands.

Resolved, That his Excellency the Governor be requested to transmit a copy of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved, December 31, 1841.

JOINT RESOLUTION

For the Sale of the Decisions of the Supreme Court of Alabama.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That all the volumes of the decisions of the Supreme Court of this State, up to ninth Porter's Reports, inclusive, belonging to the State, and not otherwise disposed of, be sold by the Governor of the State of Alabama at the price of two dollars per volume, on such time of payment and security as he may deem best; except that four copies of each of the volumes be retained; of which, two copies shall be deposited in the office of the Secretary of State, and two copies in the library of the Supreme Court, for the use of the several departments of the government.

Approved, December 20, 1841.

JOINT RESOLUTIONS

In relation to Purchasers of Sixteenth Section, Township Four, Range Five, west, in the county of Limestone.

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the cashier of the branch of the bank of the State of Alabama at Decatur, be authorized to deliver up the notes to William H. Harrison, John P. Harrison, Zacheus K. Winfield and Stokes Robinson, or their legal representatives, given by them for the purchase of the sixteenth section, township four, range 5, west, situated in the county of Limestone: *Provided, however*, that the said William H. Harrison, John P. Harrison, Zacheus K. Winfield and Stokes Robinson, or their legal representatives, shall present to the said cashier certified evidence that the contract between the said William H. Harrison, John P. Harrison, Zacheus K. Winfield and Stokes Robinson, or their legal representatives, and the school commissioners for said sixteenth section, specified as above, is by mutual consent rescinded.

2. *And be it further resolved*, That the commissioners aforesaid are hereby authorized and required to make settlement with the purchasers of said sixteenth section, and rescind the contract aforesaid: *Provided*, that they shall in no case pay the said purchasers for any improvements made on said

lands nor on any occasion refund more than the principal paid by the said purchasers: *And provided further*, if the interest on either or all of the lots of land does not amount to as much as the land has usually rented for, the purchaser or purchasers of said lot or lots of the land aforesaid, shall be required to make good the deficiency to the said commissioners, at or before the rescinding of the contract.

Approved, December 23, 1841.

JOINT RESOLUTIONS

Concerning purchasers of Sixteenth Sections.

WHEREAS, the citizens of township seven of range two, in the district of lands subject to sale at St. Stephens, are desirous of rescinding the contract of sale of the sixteenth section in said township, heretofore made with James Dubose, who executed notes for the purchase money, with William R. Parker and Peter Dubose as his securities, who are also desirous of cancelling said contract: Therefore,

Be it resolved by Senate and House of Representatives of the State of Alabama in General Assembly convened, That the president and directors of the branch of the bank of the State of Alabama at Mobile, be and they are hereby authorized and required to cancel the notes or bonds given to secure the purchase money of said sixteenth section: *Provided*, that all the citizens of said township, as well as the makers of said notes or bonds, shall first file in said bank, their assent in writing to the rescission of the contract of sale, which shall be authenticated by the judge or clerk of the county court of Clarke county: *And provided further*, that the said James Dubose shall deliver up to the commissioners of said sixteenth section, his certificate of purchase, and pay all costs which have accrued by suit or otherwise on the said notes.

And be it further resolved, That the cashier of the branch of the bank of the State of Alabama at Decatur be authorized to extend the provisions of the foregoing resolution to Joseph Wofford, purchaser of the northwest quarter of section sixteen, township seven, and range twelve, west, in the county of Franklin, in the Huntsville land district: *Provided*, said Wofford will first pay all costs which may have accrued in attempting to collect said purchase money

And be it further resolved, That the provisions of this act shall also apply to the contracts for the purchase, by David Fleeker, of a portion of section sixteen, township seventeen, range six, east; and by John Fitts, of the east half of the southeast quarter; and by John Ormon, of the northwest quarter—all in the same section, township and range, and in the county of Perry: *Provided*, that the above provisions be and are hereby extended to the purchasers of lot number eighteen, township fourteen, range one, east, in the county of Marengo: *And provided*, this act shall extend to the purchasers of the sixteenth section, in township twelve, of range one, east of the meridian of Huntsville, in the county of Blount.

Approved, December 28, 1841.

JOINT RESOLUTION

In regard to certain Records.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor of this State be and he is hereby required to obtain from the Governor of the State of Mississippi an authenticated copy of the register of civil officers for the counties in Alabama, while said counties formed a part of the Mississippi Territory; and also, the original bonds, or certified copies of the same, given by said officers up to the period at which said counties became a part of the State of Alabama.

Approved, December 10, 1841.

PREAMBLE AND JOINT RESOLUTIONS.

Of the General Assembly of the State of Alabama in relation to the regulation of Postage on Letters and Papers.

Whereas, in the regulation of each department of the Federal Government, the interests as well as the convenience of the great body of the people should be consulted, and whereas the present laws prescribing the rates of postage subjects the citizens of this government to much inconvenience for want of the adoption of the rates of postage to the established coin of the United States, Therefore :

Be it Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed and our representatives requested to use their best efforts to so change the existing laws as to conform the same to the coin of the United States and that in all cases where twelve and a half cents are now charged the same shall hereafter be ten cents and in like proportion for a greater or less amount.

And be it further resolved, That his excellency the Governor be instructed to transmit a copy of this preamble and resolutions to each of our Senators and Representatives in congress with a request to submit the same to their respective houses.

Approved, November 26, 1841.

JOINT RESOLUTIONS,

Of the State of Alabama, to the Congress of the United States.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed and our Representatives requested to use their best efforts to procure the establishment by law of a weekly line of mail stages from Elyton, by way of Ashville, and Holloways Bridge in St Clair county, and Jefferson in Cherokee county Alabama, to Rome in Georgia, and also the es-

establishment of one other line from the Lookout Valley. One in Tennessee through Lookout and Big Wills' Valley, by way of Lebanon De Kalb county Alabama, to intersect the said Alabama and Georgia line at or near said Holloways Bridge.

And be it further resolved, That his Excellency the Governor of this State, be, and he is hereby requested to transmit to our Senators and Representatives in Congress a copy of these resolutions.

Approved, December 28, 1841.

A JOINT MEMORIAL AND RESOLUTION,

To the Congress of the United States, in relation to the Lands lying in Jackson County, South of the Tennessee River.

Your memorialists beg leave to represent to your Honorable Body, that the land lying in Jackson county south of the Tennessee River be attached to the Land District, if a Land office be established at some convenient point to said land in the late Cherokee purchase, Therefore be it

Resolved, That our Senators in Congress be instructed and our Representatives requested to use their best efforts to pass a law in accordance with the foregoing memorial.

And be it further Resolved, That the Governor be instructed to transmit a copy of the foregoing memorial and resolutions to each of our Senators and Representatives in Congress.

Approved, November 15, 1841.

JOINT RESOLUTION

In relation to the admission of Texas into the Union.

Resolved unanimously by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That with the rising prospects of the new and noble republic of Texas, the reasons why we should not forbid but rather *seek* earnestly, her admission into our Union, constantly and rapidly accumulate. "Their people are our people" and we believe them the bold and fearless friends of liberty: their admission can not weaken but will add strength, wealth and power to the Union.

Resolved unanimously, That it is hereby made known to Texas; and to the world, that we as the representatives of the people of Alabama are decidedly in favor of the admission of the Republic of Texas into the Union; with equal rights and upon an equal footing with the Sovereign States of the United States of America.

Resolved unanimously, That the Governor of Alabama, the President of the Senate and the Speaker of the House of Representatives, in behalf of their respective houses, be requested to subscribe these resolutions either before or immediately after the adjournment of this General Assembly; That his Excellency the Governor be requested to forward a copy, to the Govern-

or of each of the States and Territories of the Union requesting them to present them to the Legislatures of their respective States or Territories;— A copy to the President of Texas, a copy to each of our Senators and Representatives in Congress requesting them to urge the passage of all such laws, resolutions, or treaties as may conduce to such, the desirable object of the annexation of the republic of Texas to the United States of America.

Approved, January 1, 1842.

JOINT RESOLUTIONS

Of the General Assembly of the State of Alabama in relation to an act of the Congress of the United States, entitled an act, to distribute the proceeds of the sales of the public lands and to grant preemption rights to settlers, approved September 4, 1841.

WHEREAS, it has become the duty of the General Assembly of the State of Alabama to take into consideration an act of the Congress of the United States approved on the fourth day of September in the year of our Lord one thousand eight hundred and forty one entitled "an act to distribute the proceeds of the sales of public lands and to grant preemption rights to settlers" some of the provisions of which act, must materially if not vitally affect the welfare and happiness of the good people of the State of Ala. Wherefore it behooves their representatives maturely to deliberate what action shall be taken thereon in their behalf. Whilst this General Assembly deprecates an undue interference on the part of the States in the affairs of the General Government, which properly belong to it, it is nevertheless held to be an indispensable right as well as the bounden duty of the States, in the exercise of their Sovereignty, to interpose, their authority whenever their reserved rights are invaded, or any act may be done, that is calculated to affect their independence or destroy the peace and well being of their people. In the exercise of this right, the General Assembly does therefore declare that how ever much the people of the State of Alabama may feel the burthens which already oppress or may possibly be imposed on them, in order to relieve them from the embarrassment consequent upon improvident Legislation, no matter how specious the arguments may be, founded upon their necessities, they reject with *indignant scorn* the idea that any sufferings with which it may please the Great Ruler of nations to afflict them in the shape of pecuniary embarrassment can ever so far debase our people as to cause them to look upon gold otherwise than as the dust in the balance, when compared with the proud and precious inheritance, bequeathed to us by our Fathers of lofty integrity and unbought independence, or with the no less estimable possession of the individual sovereignty of this State. That although our sister States may entertain other and different views than those which we feel ourselves called upon to express and may be disposed to receive their share of the national spoil, yet we will remain uninfluenced by their action; and never by our acceptance of the proffered bribe, sanction the dangerous and immoral maxim that the end justifies the means. We do this because we hold our honor and independence above all price; and because we entertain a fixed and unalterable determination to maintain them irrespective of all future consequences. This General Assembly does further declare, that that por-

tion of the act above referred to, which distributes the proceeds of the sales of the public lands to the several States is a gross and palpable violation of the constitution of the U.S. distributing as it does under existing circumstances the revenue arising from customs, and that it will unless arrested pave the way to an assumption of the power on the part of the General Government to seize upon the National Treasury for any and for all purposes, without regard to the source from whence its revenues may be derived, and that it will ultimately make the several States the stipendiaries and pensioned vassals of a great central power, thereby carrying into effect the principles of old fashioned ultra federalism as proclaimed by its most daring advocates in the gloomiest period of our political history.

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That no authority shall be given to the Governor of this State or any other person in its behalf to receive that portion of the proceeds of the sales of the public lands which may be allotted to this State by virtue of an act of the Congress of the United States, entitled "an act to distribute the proceeds of the sales of the public lands and to grant preemption rights to settlers," and that the State of Alabama does hereby refuse to receive the same or any part thereof.

Be it further resolved, That our Senators in Congress be, and they are hereby instructed, and our Representatives are requested to use their utmost endeavors to procure a speedy repeal of the above recited act.

Be it further resolved, That the Governor of this State be requested to forward a copy of the foregoing preamble and resolutions to the Governors of the several States of this Union, and also to each of our Senators and Representatives in Congress.

Approved, 31, December 1841.

JOINT RESOLUTIONS

In Relation to the Salary of the Warden and Deputy Warden of the Penitentiary.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the salary of the Warden of the Penitentiary, for the year eighteen hundred and forty-two, shall be twelve hundred dollars; and for the year eighteen hundred and forty-three his salary shall be sixteen hundred dollars, and the same thereafter until regulated by law. The salary of the deputy warden for the years eighteen hundred and forty-two and three, shall be five hundred dollars; and for the year eighteen hundred and forty-four, and for every year thereafter, until otherwise ordered, it shall be one thousand dollars. In both cases to be paid in manner and form as directed in the act regulating punishments under the penitentiary system, approved January first, eighteen hundred and forty-one.

Resolved further, That a deputy warden shall not be appointed until directed by the General Assembly of this State.

Approved, November 20, 1841.

JOINT RESOLUTION

In Relation to the Monies due this State by the Federal Government, on Account of Expenditures during and growing out of the late Creek Indian Hostilities.

WHEREAS the United States is indebted to this State in the sum of near two hundred thousand dollars, for money expended during and growing out of the late Creek Indian hostilities: Therefore,

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That His Excellency the Governor be and he is hereby authorized and required to appoint some suitable person to go to the City of Washington, for the purpose of urging the claims of this State, with full power to receive and finally settle the same—as well the claims already paid by the State as those still unpaid, and growing out of said Creek Indian hostilities; and that the said agent be allowed the sum of one thousand dollars for such service—and that he report to the next legislature.

Approved, December 31, 1841.

JOINT RESOLUTION

Authorizing Arthur Foster to draw and receipt for the pay of John H. Garrett, deceased, late a Member of the House of Representatives, for the county of Cherokee.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Arthur Foster be and he is hereby authorized to draw and receipt for the pay of John H. Garrett, deceased, late a member of the House of Representatives, from the county of Cherokee, and that the receipt of said Foster shall, to all intents and purposes, be as valid and binding as though made by said John H. Garrett in person, were he living; any law, usage or custom, to the contrary notwithstanding.

Approved, December 14, 1841.

JOINT RESOLUTIONS

For the Survey of the County of Cherokee, and for other purposes.

WHEREAS some doubts exist as to whether the county of Cherokee contains the number of square miles required by the Constitution of the State of Alabama; and whereas a large portion of the citizens of said county are very desirous that a survey should be made, as well for the purpose of the ascertainment of the true number of square miles said county does actually contain, as for the purpose of running and defining the line between said county and the county of Dekalb, in conformity to the law laying out said county:

Be it, therefore, Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Asa W. Allen and Samuel Russell, of the county of Cherokee, or either of them, are

hereby authorized and required to survey said county of Cherokee, and plainly mark the line between the counties of Cherokee and Dekalb, in conformity to the law passed in the year one thousand eight hundred and thirty-six, laying out said counties, and ascertain precisely the number of square miles which are now contained in said county, and make a return of said survey, with a map of the same, to the legislature, as early as practicable after the completion of the same.

Be it further Resolved, That the said surveyors hereby appointed shall take and subscribe an oath, and file it with the clerk of the circuit court of Cherokee county, to make a true and impartial survey and report, and that the surveyor of Dekalb be notified when said survey shall take place, in order to aid in said survey of the line between Cherokee and Dekalb, and that each county pay its own surveyor.

Approved, December 28, 1841.

JOINT RESOLUTION

For the Relief of Thomas Kellough, Tax Collector of Sumter County, and for other purposes.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened. That Thomas Kellough, tax collector of Sumter county, for the year one thousand eight hundred and forty-one, be and he is hereby allowed until the first day of March next, to complete the collection of the taxes in said county, and to make final settlement and payment of the county tax of said county: *Provided*, that the securities of said Thomas Kellough, give their assent thereto, in writing, to be filed in the office of the clerk of the county court of said county; any law or usage to the contrary notwithstanding.

Approved, December 2, 1841.

ERRATA.—Page 34, last line, for “Debember 30, 1842,” read *December* 30, 1841.—page 68, in the 8th line from the bottom, for “May next,” read *may meet*.—page 44, in the 4th line from the top, for “Heydenfield,” read *Heydenfeldt*.

DEPARTMENT OF STATE, }
Tuskaloosa, Ala. February 8, 1842. }

It is hereby certified, that the foregoing Acts, Resolutions, and Memorials are correct copies, collated with, and corrected by, the original rolls deposited in this Department.

W. GARRETT,
Secretary of State.

NOTE.—The first ninety-six pages of this pamphlet were printed by the former State Printers, Hale and Phelan—before their official term expired. I commenced on the ninety-seventh page, and finished the publication of the Acts, Resolutions, and Memorials.

SAMUEL F. RICE, STATE PRINTER.

[The Proclamation of the Governor, giving effect to the Penal Code, is here inserted.]

THE STATE OF ALABAMA.

PROCLAMATION BY THE GOVERNOR.

WHEREAS, it is made the duty of the Governor, on being informed by the Commissioners that the buildings of the Penitentiary and State Prison are ready for the reception of convicts, to issue a Proclamation, giving effect to the Act of the 9th of January, 1841, entitled an Act "*Regulating punishments under the Penitentiary System*:" And, whereas, I have been informed by a written communication from said Commissioners, bearing date the 27th day of October, in this present year, that said buildings are completed :

Now, therefore, I, ARTHUR P. BAGBY, Governor of the State of Alabama, by virtue of the power and authority in me vested by the Constitution and Laws, and in fulfillment of the duty enjoined by said Act, do, by these presents, proclaim and make known, that the Act "*Regulating punishments under the Penitentiary System*," approved on the 9th day of January, 1841, and every provision thereof, is in full force and effect from this date.

{ L. S. } IN Testimony Whereof, I have hereunto set my hand, and caused the Great Seal of the State to be affixed, at the City of Tuscaloosa, the second day of November, in the year of our Lord, one thousand eight hundred and forty-one, and sixty-sixth year of American Independence.

A. P. BAGBY.

By the Governor :

W. GARRETT,

Secretary of State.

DEPARTMENT OF STATE, }
Tuscaloosa, Ala. Feb. 8, 1842. }

I certify the foregoing to be a true copy, from the Register of Proclamations in this Department.

W. GARRETT,
Secretary of State.

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